

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 30918
 PERMIT No. 23157
 DISTRICT No.

1. Name of Applicant: EVAN M. KACKLEY

Postoffice address: P.O. Box 570, Pocatello

County: Bannock State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
 (b) Amount of capital stock:
 (c) Amount paid in:
 (d) Names and addresses of directors:

II. The financial resources of the applicant are:
 (b) Treasury stock:
 (d) Other resources:

- (a) Cash on hand:
 (c) Bonds to be issued:

2. Quantity of water claimed: Two (2) cubic feet per second.

(Waste water)

3. Source of water supply: Monsanto Chemical Co. Pipe-line / which is a tributary of Soda Creek

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B. M., and is in the Lot 4

of Section 6 , T. 9 S. , R. 42 E. , B.M., County of Caribou

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from corner of Section

T. , R. , B.M., in the

of Section , T. , R. , B.M.

(b) Amount of power generated:

H.P., under feet head.

(c) Water is to be returned to

at a point

feet

distant from the

corner of Section , T. , R. , B.M., in the

of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 250.00

8. Kind of works: Ditches

9. Height of dam

feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width

feet; height

feet.

11. Ditch: Width at bottom

feet; width at water line

feet; depth of water

dimensions of flume:

Diameter of pipe

inches; length of conduit

miles.

Average grade per mile

feet.

12. The time required for the completion of such work is One years.

13. The time required for the complete application of the water to the proposed use is One additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Appros. 200 inches of Soda Creek water

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer, of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use Under Permit to Appropriate the Public Waters of the State of Idaho No. 23157 to October 24, 1956.

WITNESS my hand this 27th day of July, 1954.

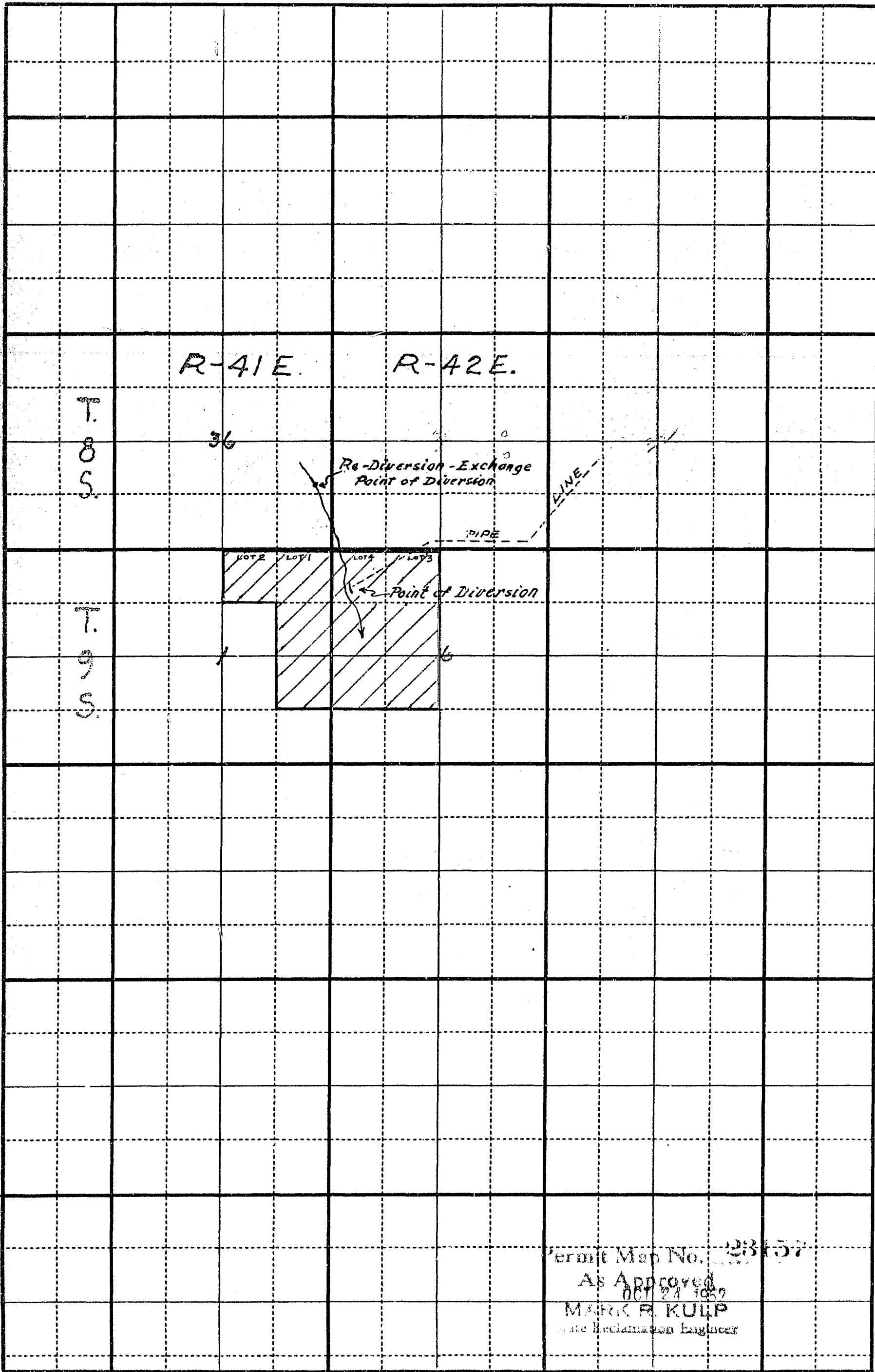
MARK R. KULP
State Reclamation Engineer

RECEIVED JUL 20 1954

Page 5770

NAME OF APPLICANT EVAN M. KACKLEY

Form No. 0



Permit Map No. 23157
As Approved
OCT 24 1957
MARIC E. KULP
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

23157

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

B O I S E

Permit No. 23157

Date October 31, 1952

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SALE as given under approval of the
State Reclamation Engineer, on the fourth page.

Dr. Even M. Kaackley
c/o O. R. Baum
Box 570
Pocatello, Idaho

MARK R. KULP
State Reclamation Engineer

23157

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

A.L. MERRILL
R.D. MERRILL
W.F. MERRILL

March 3, 1953

RECEIVED
MAR 4 1953
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Re: Farmers Land and Irrigation Company

Dear Mr. Kulp:

As you know, the Farmers Land and Irrigation Company takes its water out of Soda Creek and a small part out of Spring Creek. They irrigate a rather large tract of land around Alexander, Central and Ivans, Idaho, all in Caribou County.

Monsanto Chemical Company has drilled one well near its plant in Soda Springs, Idaho, the well being located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, Township 8 South, Range 42, EBM. This well produces approximately 1600 gallons of water per minute. (See your application #G 30136, Permit G22399) The Monsanto Chemical Company has also made an application and has a permit for the second well which will be drilled within a short time. Both of these wells will dump into Soda Creek after the Monsanto Company has used the same in its phosphate plant. The Farmers Land and Irrigation Company wants to file on this waste water; that is to say, the water from these wells after it is no longer used or needed by Monsanto Chemical Company. The ordinary application for permit hardly fits this situation because all of the works of the Farmers Land and Irrigation Company are completed and all they would have to do is to use this excess water in their present set-up. They are in need of this additional water to augment the supply they get from Soda Creek.

Could you advise us what type of application should be filed for them? Also send to us the necessary forms for this purpose. We would appreciate it very much if you could give us the information as soon as possible as they are extremely anxious to file on this water prior to its being claimed by anyone else. It is our understanding that they have talked with Monsanto Chemical Company and have been advised by them that so far as they are con-

23157

Mr. Mark R. Kulp
March 3, 1953
Page two

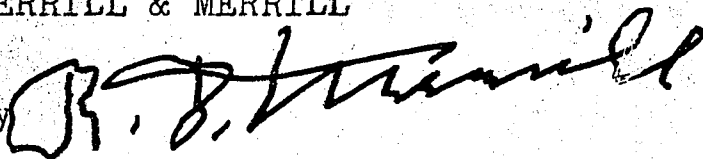
cerned they can use the water after it reaches Soda Creek.

We would greatly appreciate it if we can hear
from you as soon as you can reasonably write us.

Sincerely yours,

MERRILL & MERRILL

By



RDM:FW

*Permit # 23157 to Town of Kachley 2.4s
issued with priority Oct 11 1952*

23157

Permit 23157

March 6, 1953

Mr. R. D. Merrill
Attorney at Law
Pocatello, Idaho

Dear Mr. Merrill:

In reference to your letter of March 3, 1953, regarding Farmers Land and Irrigation Company. The regular Form No. 1, "Application for Permit to Appropriate the Public Waters of the State of Idaho" would be used.

We approved a similar application for waste water from the Monsanto Chemical Company, with point of diversion at the end of their pipe line, tributary to Soda Creek, several months ago.

The detailed explanation of what was proposed was given under "Remarks."

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:fg
Enc.

23157

Permit No. 23157

STATE OF IDAHO
Department of ReclamationRECEIVED
APR 15 1953
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

ss.

County of Ada,

Evan M. Kackley, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 23157, and that his postoffice address is Box 570 Pocatello, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Monsanto Chemical Co. Pipe-line waste ditch.

Third: That the point of diversion of said water is Lot 4, Section 6 Twp. 9.S R. 42. E.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by October 24, 1953.

Fifth: That the use for which said water is intended is Irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Weir, and ditches.
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

Measuring Weir, Size, (90° notch weir,)
(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit width at bottom feet, width at water line feet.
(State whether ditch, flume or pipe) Regular farm ditches and syphons, feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is 1 1/4 miles.

Seventh: That said works are capable of conducting to the place of intended use Two second feet of water.

Eighth: That water appropriated under said permit is available for 400 acres, acres of land described as follows: N 1/2 NE 1/4, SE 1/4 NE 1/4, and NE 1/4 SE 1/4 Section 1, and Twp. 9.S. R. 41.E. and NW 1/4, and N 1/2 SW 1/4 Section 6, Twp. 9.S.R. 42.E -and-also-the-NE 1/4 SE 1/4

Ninth: Remarks: That Water will be measured into Soda creek, measured over a weir, and exchanged for the same amount of water, up stream at a point located in the NE 1/4 SE 1/4 Section 36, Twp. 8.S. R. 41.E.

Evan M. Kackley
(Sign Here)

Subscribed and sworn to before me this 13th day of April, 1953

My commission expires November 14 1956

Margaret Wolfgram
Notary Public.

23157

April 25, 1953

RE: Permit No. 23157

Dr. Evan M. Kackley
Box 570
Pocatello, Idaho

Dear Dr. Kackley:

We enclose Certificate of Completion of Works issued on Permit No. 23157 for the diversion of 2 second feet of waste water from Monsanto Chemical Company pipe line for the irrigation of land in Section 1, Township 9 South, Range 41 East, B.M., and Section 6, Township 9 South, Range 42 East, B.M.

We also enclose departmental receipt No. 25798 for the \$5.00 fee paid in connection with proof of completion of works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

23157

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

A.L. MERRILL
R.D. MERRILL
W.F. MERRILL

June 19, 1954

RECEIVED
JUN 21 1954
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Re: Evan M. Kackley
Permit No. 23157

Dear Mr. Kulp:

The Farmers Land & Irrigation Company has handed to us a letter written by you to T. E. Thompson, Watermaster, Water District No. 5-E, Soda Springs, Idaho, dated March 23, 1953, which in effect states that Permit No. 23157 gives to Mr. Kackley the right to exchange water under the above permit for an equal amount of water in Soda Creek and to re-divert said water to the Kackley ditches at a point located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 8 South, Range 41 East, B.M., approximately 2500 feet upstream from where the waste water from the Monsanto pipe line goes into Soda Creek. In other words, according to this letter, Kackley has a right to take water belonging to the Farmers Land & Irrigation Company and give in exchange the waste water which he might be entitled to from Monsanto Chemical Company.

The Farmers Land & Irrigation Company had no notice or anything to indicate to them that such an exchange was to take place.

We were wondering if you would look over your records and advise us whether or not the Farmers Land & Irrigation Company has to exchange their water for the Kackley water. The point where the Monsanto pipe line enters Soda Creek is considerably below the Kackley land, and this water cannot be used on the Kackley land. It is hard to see how he could appropriate this water and exchange it for their water without their knowledge or consent. Could you give us information in regard to this, so we can transfer the same to the company.

23157

Mr. Mark R. Kulp
June 19, 1954
Page -2-

We would also appreciate it if you would advise us the amount of water Mr. Kackley has to irrigate his ground. It is our understanding that he has 109.4 acres of irrigable ground, and that he has a water right from Soda Creek for 195 inches to irrigate this ground, and then the Monsanto water is in addition to this. It would seem that he is claiming three or four times more water to irrigate the 109.4 acres than is necessary.

We would appreciate it if you would advise what your records show in regard to this.

Sincerely yours,

MERRILL & MERRILL

By



RDM:mlp

*Office 200 - 3rd - G. 4
1st floor*

23157

FRANCIS J. RASMUSSEN

Attorney at Law

Soda Springs, Idaho

June 30, 1954

RECEIVED

JUL 1 1954

Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

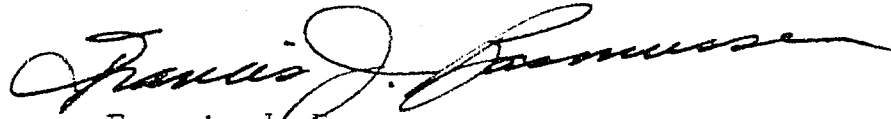
Dear Sir:

I am making this inquiry for the City of Soda Springs,
as their attorney.

I would appreciate your statement as to what stage
permit No. 23157 is in; also what Mr. Evan Kackley
is attempting to do with this permit. This inquiry
is made for the purpose of protecting the City of
Soda Springs water power.

May we obtain a copy of said permit.

Sincerely yours,



Francis J. Rasmussen

FJR:gw

23157

July 1, 1954

RE: Permit No. 23157

Mr. Francis J. Rasmussen
Attorney at Law
Soda Springs, Idaho

Dear Mr. Rasmussen:

In reply to your letter of June 30 inquiring as to the status of Permit No. 23157.

Permit No. 23157 was filed October 11, 1952 by Evan M. Kackley, for two (2) second feet of water from Monsanto Chemical Co. pipe-line (waste water), a tributary of Soda Creek and point of diversion in Lot 4, Section 6, Township 9 South, Range 42 East B.M. for irrigation of 400 acres in Section 1, Township 9 South, Range 41 East B.M. and Section 6, Township 9 South, Range 42 East, B.M.

Proof of Completion of Works was made and Certificate of Completion of Works issued April 20, 1953. Beneficial use Proof is due October 24, 1954.

The application for this Permit states as follows:

"The water that is being filed on is water that comes from the lands of the Monsanto Chemical Company, out of a well and pipe-line which has been constructed from its plant to Soda Creek, and its pipe-line empties into Soda Creek on the applicant's land, at a point above referred to in the application, and it is water that is developed by the Monsanto Chemical Company, and after being utilized by them enters a pipe line at its plant and runs in a Westerly direction 950 feet to a point on the Northerly side of applicant's land and from that point the pipe line runs in a Southwesterly direction 1170 feet and empties into Soda Creek. The pipe line entering on the Northerly line of Lot 3 and runs in a Southwesterly direction and empties into Soda Creek in Lot 4 and on the East side of Soda Creek. The applicant will divert Soda Creek water at a point approximately 2500 feet up stream with point of diversion located in the N-25-34 Section 36, Twp. 8 S., Range 41 E., B.M. in exchange for the water delivered to Soda Creek through the Monsanto Chemical Co's. pipe line."

23157

Mr. Francis J. Rasmussen

-2-

July 1, 1954

Perhaps the above information will be all you require but if you wish a copy of the Permit, we can send you one, for a cost of \$1.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

23157

✓
July 15, 1954

RE: Permit No. 23157
Evan M. Kackley

Messrs. Merrill & Merrill
Attorneys at Law
Pocatello, Idaho

ATTENTION: Mr. R. D. Merrill

Dear Mr. Merrill:

Your letter of June 19, 1954 requests information on the above numbered permit.

Your assumption that the watermaster was instructed to give Kackley water belonging to the Farmers Land & Irrigation Company and give them waste water in exchange is slightly at variance with our appraisal of the situation.

We assume that the water filed on by Permit No. 23157 is entirely new water or water that had not theretofore been available and is not a part of the water of Soda Creek and:

The waters of Soda Creek are not waters of the Farmers Land & Irrigation Company but are public waters, in a public stream, on their way down Soda Creek to be delivered to the Company to fill their right and:

The exchange right is recognized by Section 42-104 and is a generally accepted practice throughout the State and: 7

There was no obligation to notify the Irrigation Company that an exchange of Public water had been made according to Statute.

On the application for Permit No. 23157, the acreage to be irrigated is given as 400 acres and existing rights as about 200 inches of Soda Creek water.

23157

Messrs. Merrill & Merrill
Attention: Mr. R. D. Merrill

-2-

July 15, 1954

If, as we assume, the water appropriated under Permit No. 23157 is a new supply and not a part of Soda Creek it would have its own priority date and would not be subject to Soda Creek priorities.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:hll

23157

July 15, 1954

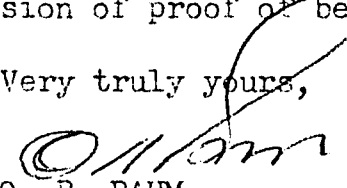
Mr. Mark R. Kulp
Department of Reclamation
Boise, Idaho

Dear Sir:

Re: Permit No. 23157, Evan M. Kackley

Will you please send us form for filing
application for extension of proof of beneficial use.

Very truly yours,


O. R. BAUM

ORB:ea

LAW
OFFICES
O. R. BAUM
POCATELLO
IDAHO

RUBY Y. BROWN
ASSOCIATE

RECEIVED
JUL 16 1954
Department of Reclamation

B/4 10-24-54

23157

July 16, 1954

RE: Permit No. 23157

Mr. O. R. Baum
Attorney at Law
Pocatello, Idaho

Dear Judge Baum:

In reply to your request of July 15th we enclose a form of application for extension of time for proof of Beneficial Use which may be executed by Mr. Evan M. Kackley and returned to this Department for approval and record.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Enc.

23157

July 29, 1954

RE: Permit No. 23157

Dr. Evan M. Kackley
Wayan
Idaho

Dear Dr. Kackley:

In reply to your telephone request, we enclose the forms for notice of Beneficial Use proof on your Permit No. 23157.

Form 10 should be completed to show the time and place and name of the Notary Public before whom the proof is to be made.

The time must be set far enough ahead to allow for four weeks publication prior to the date set for proof and the proof may be made at any place convenient for you and your two witnesses.

Both copies of form 10 to be returned to this Department together with form 11 which is your authorization for us to have the notice published at your expense in the designated county newspaper.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing and shall send you the necessary forms of deposition to be used in making the proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Enc.

23157

July 26, 1954

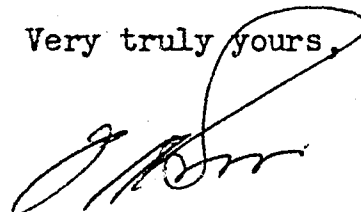
Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Re: Permit No. 23157

Dear Sir:

I enclose herewith application for extension of time for
beneficial use proof.

Very truly yours,



O. R. BAUM

ORB:RYB
enc.

LAW
OFFICES
O. R. BAUM
POCATELLO
IDAHO

RUBY Y. BROWN
ASSOCIATE

RECEIVED
JUL 27 1954

Department of Reclamation

23157

STATE OF IDAHO
Department of Reclamation

Permit No. 23157

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of _____ } SS

Ernest M. Kackley of Soda Springs

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he ~~is~~ the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 23157

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by October 24, 19 54.

That he has heretofore put to beneficial use very little water second feet of water and has irrigated _____ acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit: (1) Necessity for major repairs on main canal, which are being made or have been completed. (2) Contemplated changes by the City of Soda Springs in the construction of the new power plant which will change ditches that will carry water. Agreement has been reached with the city on the ditches. (3) Major construction at the Soda Springs plant of Monsanto Chemical Company which will increase delivery of water to requisitioned amount of water to two feet as petitioned for in original filing.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the making of proof of beneficial use under said permit to October 24, 19 56

Subscribed and sworn to before me this 20th day of July, 19 54

My commission expires Aug 15-58 Residing at: _____ Notary Public.

Date of receipt at office of Department of Reclamation July 27-1954

STATE
APPROVAL OF ~~COMMISSIONER~~ RECLAMATION ENGINEER.
State Engineer

I, Mark R. Kulp, ~~Commissioner~~ Reclamation of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to appropriate the Public Waters of the State of Idaho, No. 23157 to October 24, 1956

Witness my hand this 27th day of July, 19 54

Mark R. Kulp
State Reclamation Engineer

July 30, 1954

RE: Permit No. 23157

Mr. O. R. Baum
Attorney at Law
Pocatello, Idaho

Dear Judge Baum:

We enclose approval of the State Reclamation Engineer of Dr.
Evan M. Kackley's application for extension of time for proof of Beneficial
Use on Permit No. 23157 to October 24, 1956.

This should be attached to the original permit of which it now
forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Enc.

23157

Wayan, Idaho
August 16, 1954

Chief Clerk
Department of Reclamation
Boise, Idaho

RECEIVED
AUG 17 1954
Department of Reclamation

Dear Mrs Anderson:

Thank you for forwarding the necessary blanks to set a date for proof of beneficial use of water as covered in permit Number 23157.

I spoiled some copies of Form 11 and would you please send to Judge O.R. Baum, Box 570, Pocatello, Idaho two or three copies of Form 11.

I am sorry that I missed Mr. Thompson when he was in Soda. I was in the Court House about an hour after he left. Was going to show him the way the people in Soda consume their soda water.

I had a very nice visit with his nephew Mr. Ross out here a few days ago. I find that his brother Bob is a close neighbor of ours in Boise. In fact, it is at each other's houses where we both look for each other's kids first.

I shall be back to Boise before school starts and will be into the office.

With kindest personal regards, and appreciation,

I remain,

Sincerely,

Evan M. Mackley

Evan M. Mackley

23157

August 18, 1954

RE: Permit No. 23157

Mr. O. R. Baum
Box 570
Pocatello, Idaho

Dear Mr. Baum:

At the request of Mr. Evan M. Kackley, we are sending some extra copies of Form 11, to be used in connection with notice for proof of beneficial use on the above numbered Permit.

Very truly yours,

MARY R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

23157

August 18, 1954

RECEIVED
AUG 24 1954
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

LAW
OFFICES
O. R. BAUM
POCATELLO
IDAHO

Re: Permit No. 23157
(Evan M. Kackley)

Dear Kulp:

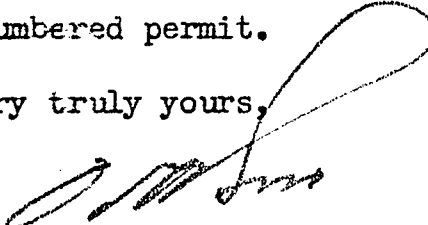
I enclose herewith the following:

Notice for Publication - Notice of Proof
Application of Water to Beneficial Use,
in duplicate. (Form No. 10).

Authorization to publish Notice in The Grace
Herald. (Form No. 11).

The same being for the above numbered permit.

Very truly yours,


O. R. BAUM

ORB:tb
Encls.

RUBY Y. BROWN
ASSOCIATE

23157

✓
August 24, 1954

RE: Permit No. 23157

Mr. O. R. Baum
P. O. Box 570
Pocatello, Idaho

Dear Mr. Baum:

Your letter of August 18th containing notice for Beneficial Use proof on the Evan M. Kackley Permit No. 23157 reached us this morning.

Since you left the date blank, we have set 10:00 A.M., September 28, 1954, for the date of making this proof and are sending a notice to the Grace Herald with instructions to publish it once a week for four weeks prior to that date and to send the affidavit of publication together with statement of costs to Mr. Kackley in your care.

We enclose the forms of deposition to be used in making this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Enc.

23157

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)_____

(P. O.)_____

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

The Grace Herald

of Grace, Idaho

published in

the county in which the works are situated.



Attorney for Evan M. Kackley,
Residing at Pocatello, Idaho

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

23157

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. 23157

BOISE, IDAHO

Date August 24, 1954

Grace Herald

Grace, Idaho

Gentlemen:

Enclosed you will find notice for publication once a
September 28, 1954
week for four consecutive weeks prior to
the date set for proof, the expense of the publication to be paid
Evan M. Kackley, C/o O.R. Baum Box 570, Pocatello,
by the applicant, of
Idaho
, to whom you should furnish proof of publication
on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish
this office with a copy of the first publication, in order that we
may check same.

Very truly yours,
MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

23157

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 28th day of September, 1954,

at Pocatello, County of Bannock, State of Idaho, before

O. R. Baum, Notary Public, room 405 Carlson Building, Pocatello/ Idaho, proof will be submitted of the

application to beneficial use of two cubic feet per second of the waters of waste water from Monsanto
tary of Soda Creek,

Chemical Co. pipe-line, a tribu/ in accordance with the terms and conditions of Permit No. 23157

heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are _____

Evan M. Kackley, c/o O. R. Baum, Box 570, Pocatello, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is two second feet

The place where said water is used ~~for irrigation, give full and accurate description of the lands irrigated~~

N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Twp. 9 South, Range 41 East, B. M.

NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6, Twp. 9 South, Range 42 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is _____

Lau Ditch and Kackley Ditch

The right to take water from such works is based upon Permit No. 23157

The source of supply from which such water is diverted is waste water from Monsanto Chemical Canal

(diverted above point from where waste water enters Soda Creek).

The date of priority which said user is prepared to establish is October 11, 1952

MARK R. KULP

State Reclamation Engineer.

23157

E. H. PAYSEN
Editor and Publisher

Commercial Printing - Advertising Novelties
Calendars - Book Matches

PHONE 8351

The McCammon News

THE DOWNEY COMET - THE GRACE HERALD

MCCAMMON, IDAHO

Sept. 1, 1954

23157

RECEIVED
SEP 3 1954
Department of Reclamation

Jeanne L. Anderson, Chief Clerk,
Department of Reclamation,
State of Idaho,
Boise, Idaho

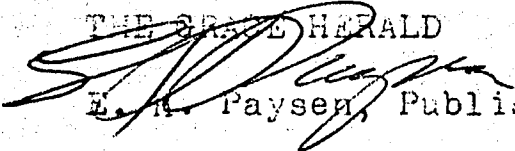
Dear Madame:

We acknowledge receipt of order for publication
on Permit No. 23157, Evan M. Kackley, c/o C. R.
Baum, in the Grace Herald for four consecutive
issues prior to September 28, 1954.

First publication will be made September 2 in
the Grace Herald, a copy of which you will receive
through regular channels .

Very truly yours

THE GRACE HERALD


E. H. Paysen, Publisher

23157

State of Idaho }
County of Bannock } ss

CERTIFICATION AS TO PROOF

PERMIT NO. 23157

O. R. BAUM, being first duly sworn, on his oath, states:

That he is a resident of Bannock County, State of Idaho, and has been such for more than twenty years last past; that he is now a Notary Public of the State of Idaho, and is a practicing attorney at Pocatello, Idaho with offices at 405 Carlson Building, and as such maintains his office at Pocatello, Idaho; that his office is open every day from 9:00 A.M. until 5:00 P.M. save and except one hour for lunch, namely 12 noon until 1:00 P.M., and that on this day, September 23, 1954, he was personally present and that he was the person before whom notice was given that proof would be submitted, pursuant to the annexed Notice of Proof of Application of Water to Beneficial Use, and that no persons appeared on behalf of said application, other than the affiants who signed Proof of Application of Water to Beneficial Use and Completion of Works, Deposition of Holder, and the persons who signed Proof of Application of Water to Beneficial Use, termed Deposition of Witness, and that no persons appeared in opposition thereto, and likewise no persons appeared to make inquiry concerning the same, and that there is enclosed herewith the following:

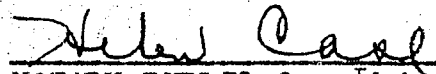
1. Proof of Publication of "NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE" showing its publication thereof;
2. Deposition of Witness John Delo as to Proof of Application of water to beneficial use.
3. Deposition of Witness Walter Blackburn as to Proof of application of water to beneficial use.
4. Deposition of Holder Evan M. Kackley - PROOF OF APPLICATION OF WATER TO BENEFICIAL USE,

and that said depositions were all executed in my presence at Pocatello, Bannock County, State of Idaho, and I attached my notarial seal thereto.

I further certify that the proceedings as attached hereto are as certified herein.



SUBSCRIBED AND SWORN to before me this 23th day of September, 1954.



NOTARY PUBLIC for Idaho, residing
at Pocatello, Idaho.
My Commission Expires.

(SEAL)

Notary Public, Pocatello, Idaho
My Commission Expires June 1, 1957

23157

LAW OFFICES
O. R. BAUM
POCATELLO, IDAHO

RUBY Y. BROWN
ASSOCIATE

RECEIVED
SEP 30 1954

Department of Reclamation

September 29, 1954

HON. MARK R. KULP
State Reclamation Engineer
Department of Reclamation
State of Idaho
Boise, Idaho

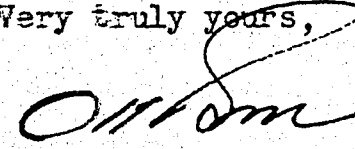
Re: Permit No. 23157

Dear Sir:

I enclose herewith the following:

1. Affidavit of O. R. Baum, Notary Public.
2. Proof of Publication
3. Deposition of witness John Delo.
4. Deposition of witness Walter Blackburn.
5. Deposition of Holder, Evan M. Mackley.

Very truly yours,


O. R. BAUM

ORB:RYB

LAW
OFFICES
O. R. BAUM
POCATELLO
IDAHO

RUBY Y. BROWN
ASSOCIATE

23157

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 23157

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. EVAN M. ZACKLEY, Box 570, Pocatello, Bannock, County, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

4.

The source of water in question is from wells sunk by the Monsanto Chemical Co. and it flows in a pipe line down towards Soda Creek and before it empties into Soda Creek, and in Lot 4, Sec. 6 T. 9 S., R. 42 E.B.M., the water is diverted and then emptied into Soda Creek, and a like amount of water is taken from a point upstream, that point being 2500 feet from the point of diversion and is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 36, T. 3 S., R. 41 E.B.M., therefore it is in exchange for the water diverted from the Monsanto Chemical Co. pipe line.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Irrigation. All in Section 6, Township 9 South, Range 42 as follows:

Ans. NE $\frac{1}{4}$ NW $\frac{1}{4}$ -- 15 acres cultivated, 30 past.; NW $\frac{1}{4}$ NW $\frac{1}{4}$ -- 10 acres cul. 20 past.; SE $\frac{1}{4}$ NW $\frac{1}{4}$ -- 40 acres cul.; NE $\frac{1}{4}$ SW $\frac{1}{4}$ -- 40 acres cul.; SW $\frac{1}{4}$ NW $\frac{1}{4}$ -- 23 acres cul, 15 A. past.; NW $\frac{1}{4}$ SW $\frac{1}{4}$ -- 30 cul., 3 A. past. -- total of 153 acres cul., 73 past., complete total of 231 A. \$240.00 checks and headgates, \$193.00 leveling to bring 23 acres of arid land under irrigation, \$350.00 syphon under road. Total cost including concreting Lau ditch \$1690.50.

23157

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 23157

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. EVAN M. ZACKLEY, Box 570, Pocatello, Bannock, County, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 23157, date of permit October 24, 1952, date of priority October 11, 1952.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Waste water from wells of Monsanto Chemical Co. carried in pipe-line, which

is a tributary of Soda Creek, diverted in Lot 4, of Sec. 6, T. 9 S., R. 42 E.B.M.

See explanation attached.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. 150 feet concreting of Lau ditch to carry water; Syphon under road from
Lau ditch, with; also by way of Kackley ditch, with weir. Main ditch, Lau and
Kackley, both capable of carrying an amount of a second feet of water to property.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Irrigation. All in Section 6, Township 9 South, Range 42 as follows:

Ans. NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 15 acres cultivated, 30 past.; NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 acres cul. 20 past.; SE $\frac{1}{4}$ NW $\frac{1}{4}$ -
40 acres cul.; NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 acres cul.; SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 20 acres cul, 15 A. past.; NW $\frac{1}{4}$ SW $\frac{1}{4}$ -
30 cul., 3 A. past. -- total of 153 acres cul., 73 past., complete total of 231 A.
\$240.00 checks and headgates, \$493.00 leveling to bring 23 acres of arid land under
irrigation, \$350.00 syphon under road. Total cost including concreting Lau ditch
\$1690.50.

23157

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 252 inches at point of diversion

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Original permittee.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. 100 In. diverted July 30, 1954, and rest of current irrigating system through Kackley and Lau ditches.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. 76 inches storage water Five mile meadow, date 1909, no value. Storage not in existence. 195 inches Farmers Land and Irrigation, Soda Creek, 1898, one fourth this amount dependent upon Big Spring Creek, when Bear River at 450 feet, very rarely of any value; therefore, 195 inches really 146 inches, remaining amount usually cut 25% to 35% during irrigation season. Cut 35 percent this year, hence total right this year equalled 37.5 inches at point of diversion in Lau and Kackley ditches.

(Sign)

Evan M. Kackley

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Pocatello _____, County of Bannock _____,

State of Idaho, on this 28th _____ day of September _____, A. D. 1954.

[Signature]

NOTARY PUBLIC for Idaho, residing at Pocatello, Idaho

My commission expires 8-12-55

23157

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 23157

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. John Delo, 47, Soda Springs, Idaho, Postmaster, c/o Post Office, Soda Springs, Idaho

Ques. 2. Are you acquainted with Evan M. Kackley, the holder of Permit No. 23157? How long have you known him and where does he reside?

Ans. Approx. 14 years, legal residence Wayan, Idaho.

Ques. 3. Have you read or heard read said Permit No. 23157, and are you familiar with its provisions and conditions?

4.

The source of water in question is from wells sunk by the Monsanto Chemical Co. and it flows in a pipe line down towards Soda Creek and before it empties into Soda Creek, and in Lot 4, Sec. 6 T. 9 S., R. 42 E.B.M., the water is diverted and then emptied into Soda Creek, and a like amount of water is taken from a point upstream, that point being 2500 feet from the point of diversion and is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 36, T. 3 S., R. 41 E.B.M., therefore it is in exchange for the water diverted from the Monsanto Chemical Co. pipe line.

each subdivision in which water has been used.

subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. All in Section 6, Township 9 South, Range 42 as follows:
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 15 acres cul., 30 past.; NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 acres cul., 20 past.;
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 acres cul.; NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 acres cul.; SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 23 acres cul. 15
A. past; NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 30 A. cul, 3 A. past. -- total of 153 acres cul, 73 past, complete
total of 231 A. - Checks and headgates, leveling, syphoning and concreting.

23157

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 23157

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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Ans. John Delo, 47, Soda Springs, Idaho, Postmaster, c/o Post Office, Soda Springs, Idaho

Ques. 2. Are you acquainted with Evan M. Kackley, the holder of Permit No. 23157? How long have you known him and where does he reside?

Ans. Approx. 14 years, legal residence Wayan, Idaho.

Ques. 3. Have you read or heard read said Permit No. 23157, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Waste~~d~~ water from wells of Monsanto Chemical Co. carried in pipeline, lot 4, Sec. 6
Ans. T. 9 S. R. 42 E.B.M. (see explanation attached). Works -- 150 feet concreting of Lau ditch to carry extra water; Syphon under road from Lau Ditch, weir; also by way of Kackley ditch, with weir. Main ditch, Lau and Kackley, both capable of carrying an amount of 4 second feet of water to property.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Capable of 4 second feet. Have seen 137½ inches being diverted.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. All in Section 6, Township 9 South, Range 42 as follows:
NE¼NW¼ - 15 acres cul., 30 past.; NW¼NW¼ - 10 acres cul., 20 past.;
SE¼NW¼ - 40 acres cul.; NE¼SW¼ - 40 acres cul.; SW¼NW¼ - 23 acres cul. 15
A. past; NW¼SW¼ - 30 A. cul, 3 A. past. -- total of 153 acres cul, 73 past, complete
total of 231 A. - Checks and headgates, leveling, syphoning and concreting.

23157

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Approximately 110 acres and approximately 110 inches.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. On July 30, 1954 and some five or six times since, observed the application of the water to beneficial use, and approximately 100 inches.

(Signed) _____

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____

County of Bannock, State of Idaho, on this 23 day of September,
A. D. 1954.

Notary Public.

My commission expires 8-12-55

For Idaho, residing at Pocatello, Idaho.

23157

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 23157

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Walter Blackburn, 42, Soda Springs, store clerk, Soda Springs, Idaho

Ques. 2. Are you acquainted with Evan M. Kackley, the holder of Permit No. 23157? How long have you known him and where does he reside?

Ans. 36 years, legal residence Wayan, Idaho.

Ques. 3. Have you read or heard read said Permit No. 23157, and are you

4.

The source of water in question is from wells sunk by the Monsanto Chemical Co. and it flows in a pipe line down towards Soda Creek and before it empties into Soda Creek, and in Lot 4, Sec. 6 T. 9 S., R. 42 E.B.M., the water is diverted and then emptied into Soda Creek, and a like amount of water is taken from a point upstream, that point being 2500 feet from the point of diversion and is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 36, T. 8 S., R. 41 E.B.M., therefore it is in exchange for the water diverted from the Monsanto Chemical Co. pipe line.

each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use. E.B.M.

Ans. Irrigation. All in Section 6, Township 9 South, Range 42/as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 15 acres cul., 30 past.; NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 acres cul., 20 past.;
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 acres cul.; NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 acres cul; SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 23 acres cul. 15 a. past.
NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 30 A. cul, 3 A. past. -- total of 153 acres cul, 73 past., complete
total of 231 Acres. -- Checks and headgates, leveling, syphoning and concreting.

23157

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 23157

Proof of Application of Water to Beneficial Use

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Ans. Walter Blackburn, 42, Soda Springs, store clerk, Soda Springs, Idaho

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Ans. 36 years, legal residence Wayan, Idaho.

Ques. 3. Have you read or heard read said Permit No. 23157, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Waste water from wells of Monsanto Chemical Co. carried in pipeline -- Lot 4, Sec. 6, T. 9 S., R. 42 E.B.M. (see explanation attached), Works -- 150 feet concreting of Lau ditch to carry extra water; Syphon under road from Lau Ditch, weir; also by way of Kackley ditch, with weir. Main ditch, Lau and Kackley, both capable of carrying an amount of 4 second feet of water to property.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Capable of 4 second feet. Have seen 137½ inches being diverted.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. All in Section 6, Township 9 South, Range 42/as follows:

NE¼NW¼ -- 15 acres cul., 30 past.; NW¼NW¼ -- 10 acres cul., 20 past.;
SE¼NW¼ -- 40 acres cul.; NE¼SW¼ -- 40 acres cul; SW¼NW¼ -- 23 acres cul. 15 a. past.
NE¼SW¼ -- 30 A. cul, 3 A. past. -- total of 158 acres cul, 73 past., complete
total of 231 Acres. -- Checks and headgates, leveling, syphoning and concreting.

23157

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Approximately 110 acres and approximately 110 inches.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. On July 30, 1954, and some eight to ten times since, observed the application of the water to beneficial use, and approximately 100 inches.

(Signed) Walter Blackburn

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Pocatello,

County of Bannock, State of Idaho, on this 23th day of September,

A. D. 19 54.

[Signature]

My commission expires 3/12/55

Notary Public.
for Idaho, residing at Pocatello, Idaho.

25157

PROOF OF PUBLICATION

STATE OF IDAHO
 COUNTY OF CARIBOU } SS

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M. on the 28th day of September, 1954, at Pocatello, County of Bannock, State of Idaho, before O. R. Baum, Notary Public, room 405 Carlson Building, Pocatello, Idaho, proof will be submitted of the application to beneficial use of two cubic feet per second of the waters of waste water from Monsanto Chemical Co. pipe-line, a tributary of Soda Creek, in accordance with the terms and conditions of Permit No. 23157 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address

of the person or corporation holding said permit are Evan M. Kackley, c-o O. R. Baum, Box 570, Pocatello, Idaho.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is two second feet.

The place where said water is used N $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Twp. 9 South, Range 41 East, B. M. NW $\frac{1}{4}$ and N $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, Twp. 9 South, Range 42 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Lau Ditch and Kackley Ditch.

The right to take water from such works is based upon Permit No. 23157.

The source of supply from which such water is diverted is waste water from Monsanto Chemical Canal (diverted above point from where waste water enters Soda Creek).

The date of priority which said user is prepared to establish is October 11, 1952.

MARK R. KULP,
 State Reclamation Engr.
 9-28-4G

E. J. Wagner being first duly sworn, deposes and says that he is the *publisher* of The GRACE CARIBOU HERALD, a weekly newspaper published in GRACE, ~~Bannock~~ County, in the State of Idaho. That the *noted* a true copy of which is hereto attached was published in The GRACE HERALD for *four* consecutive weeks, first publication having been made on the *2nd* day of *September* 1954, and the last publication having been made on the *23rd* day of *September* 1954.

That said paper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of said notice or advertisement, and is a newspaper within the meaning of the laws of Idaho.

E. J. Wagner
 SUBSCRIBED and SWORN TO before me this *28th* day of

September A. D., 1954

J. H. Johnson

Notary Public.

My commission expires 19.....

My Commission expires July 12, 1957
 Notary Public of Idaho
 Residing at Pocatello, Idaho

23157

October 1, 1954

RE: Permit No. 23157

Mr. O. R. Baum
Attorney at Law
Pocatello, Idaho

Dear Mr. Baum:

We acknowledge receipt of your letter of September 29 enclosing depositions of Evan M. Kackley and two witnesses, affidavit of publication in the Grace Herald and your own affidavit all submitted in proof of beneficial use on Permit No. 23157.

These have been place on file but before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made but our field engineer will try and contact Mr. Kackley at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

cc Mr. Evan M. Kackley
Box 570
Pocatello, Idaho

23157

RECEIVED
MAY 24 1955
Department of Reclamation

Messrs. Roy Thompson and
E. H. Humphrey
State Reclamation Office
Statehouse
Boise, Idaho

2323 Ellis Ave.
Boise, Idaho
May 23, 1955

re: Water file #23157

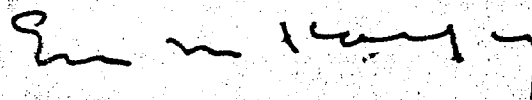
Dear Messrs. Thompson & Humphrey:

I was in visiting with Mr. Thompson for a few minutes the past week while Mr. Humphrey was away. I shall soon be leaving for Wayan, Idaho, which is approximately 45 miles north of Soda Springs. When you come over to inspect my installations, I would very much like to go with you. The installations are only a mile north of Soda Springs. If you will drop me a line in advance I will be very happy to meet you there.

I mentioned to Mr. Thompson that I would like to introduce you, while you are there or at any other time, to the truly beneficial method of mixing up the Soda water in a potable solution. Also in the Soda Springs or Wayan area we are in the center of the best fishing in eastern Idaho and I know this could be worked in.

Again with appreciation for all the kindness and good advice you have shown me during the past two years, I remain,

Most sincerely,



Evan M. Kackley

EVK/ms

23157

23157

Soda Springs, Idaho
12 July 1956

Mr. E. H. Humphrey
State Reclamation Office
Boise, Idaho

RECEIVED
JUL 13 1956
Department of Reclamation

Dear Mr. Humphrey:

I went out to Mansanto and saw Jack Quinn, who reminded you from you well remember him. He was going to be out of the office this afternoon and he stated he would write you a letter giving you complete information on the water discharge into Soda Creek, and further information as you desired.

An average of 140 cusecs of water was discharged to Mansanto Soda Creek.

I remain

Sincerely,

D
Earl H. Hartley

23157

July 3, 1956

RE: Permit No. 23157

Mr. Evan M. Kackley
Box 570
Pocatello, Idaho

Dear Mr. Kackley:

State law requires that a field inspection be made in connection with any permit being brought to license within the State of Idaho.

I intend to make inspection in connection with your Permit on July 12, 1956, at 8:00 A.M.

Please be prepared to accompany me on the inspection.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

23157

RECEIVED
JUL 9 1956
Department of Reclamation

July 6, 1956

Mr. Evan M. Kackley
Pocatello, Idaho

Dear Evan:

Subjoined hereto you will find letter from Mr. Humphrey
and I am sending him a copy of this letter so he can meet
you at the Caribou Lodge, Soda Springs, Idaho, at 8:00 a.m.
July 12.

Sincerely yours,

O. R. BAUM

LAW
OFFICES
O. R. BAUM
POCATELLO
IDAHO

RUEY Y. BROWN
ASSOCIATE

ORD-247

Encl.

23157

Wayan, Idaho
July 7, 1956

RECEIVED
JUL 9 1956
Department of Reclamation

Mr. E. N. Humphrey
Dep. State. Reclamation Eng.
Dept. of Rec.
State House
Boise, Idaho

Dear Mr. Humphrey:

Re: Permit No. 23157

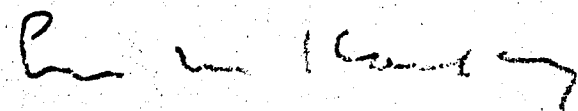
I am in receipt of your letter of July 3 addressed to me at Pocatello relative to the inspection of the field works on the above permit at Soda Springs, Idaho

Per Judge Baums letter to you, I shall meet at the Caribou Lodge at Soda Springs at 8 A.M. on July 12, 1956.

I appreciate the early morning appointment as I have a plane schedule in the afternoon to make.

With kindest regards to you and the staff, I remain

Sincerely,



Evan M. Kackley

I shall send a copy of the letter to the Reclamation Office as you may be away on arrival

23157

RECEIVED
OCT 24 1956
Department of Reclamation

Mr. Mark Culp
Director Idaho Reclamation Service
Statehouse
Boise, Idaho

2323 Ellis Ave.
Boise, Idaho
October 23, 1956

Dear Mr. Culp:

I wish to thank you and your department, particularly Messrs. Roy Thompson and E. N. Humphrey and Mrs. Anderson as well as yourself for all the courtesy and aid in my application and the obtaining of two feet of the Monsanto waste waters at Soda Springs. The courtesy and aid made the entire project one of pleasure.

During this and also the many times I consulted you on the Grays Lake Refuge project has certainly added to my education of the many problems of irrigation and water rights.

Again with appreciation and kindest personal regards to all, I remain

Sincerely,

Evan M. Kackley
Evan M. Kackley

cc: Mr. Roy Thompson
Mr. E. N. Humphrey
Mrs. Anderson

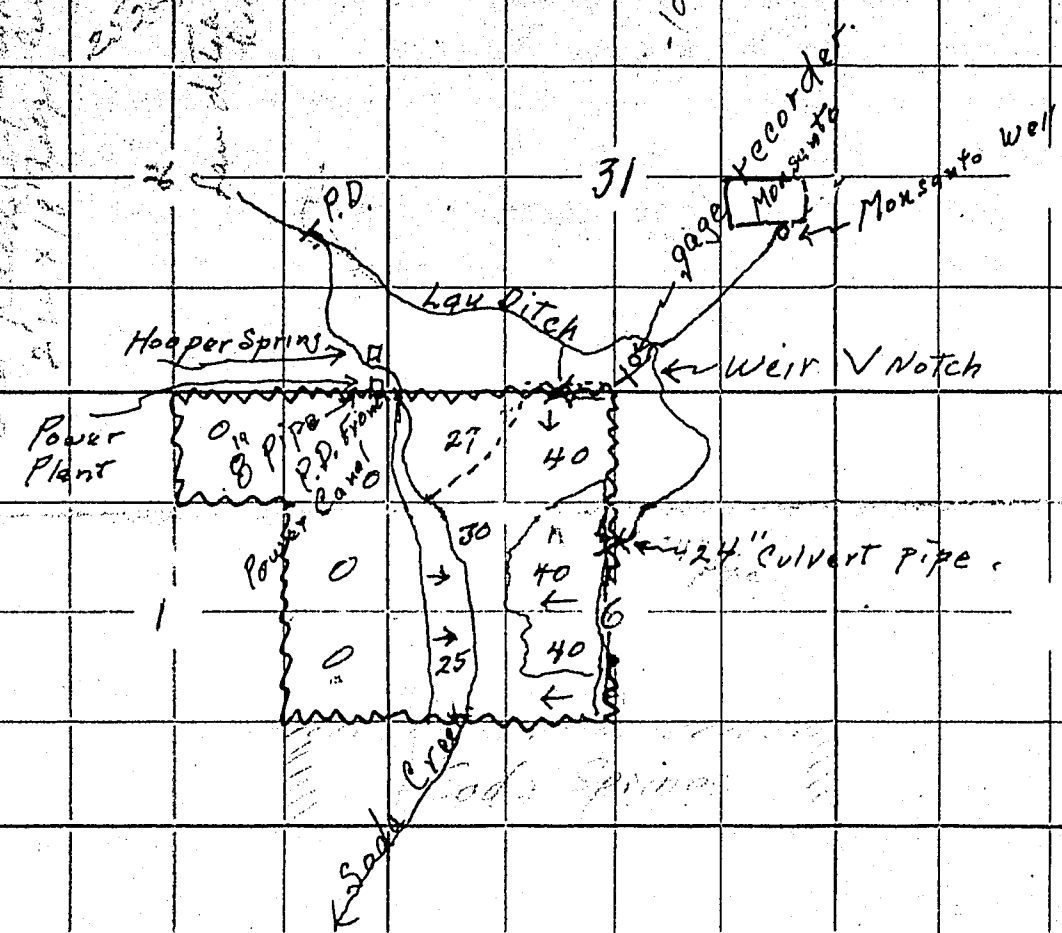
23157

23157

T. 9 S.

R-4/E.

R-42E.



120	
50	
42	
212	acc.

2/12/2000

Subdivisions = Six
Area = 202 acres.
Q = 100 "

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 23157This proof is for Beneficial Use In Water District No. _____1. Name of applicant Evan M. Kackley, Box 570, Pocatello, Idaho2. Source of water supply: Waste water from Monsanto Chemical Co. wells3. Location of point of diversion: Is in the Lot 4 of Section 6T. 9 S. R. 42 E. County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same: Water is delivered through the Lau ditch from Soda Creek in exchange for water wasting into Soda Creek from the Monsanto Chemical Co. Plant. There is a large V-notched weir in the SW corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T. 8 S., R. 42 E. and also a gage recorder is located near the weir. Some water is also delivered on the West side of Soda Creek from a pipe-line installed from the large flume put in for the delivery of water to the power plant which is located approximately on the range and township corner at the NW corner of Section 6 owned by Mr. Kackley. Delivery through an 8" pipe.

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1,
Twp. 9 South, Range 41 East, B. M.

NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6,
Twp. 9 South, Range 42 East, B. M.

See the map.

NOTE: Section 1 is in permit and notice, but not in proof

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: A letter from Mr. Gurwin states that during the month of June 1942of water was being wasted into Soda Creek by Monsanto Chemical Co.

The Kackley ditch on West Side of Soda Creek has now been abandoned. Water is delivered thru an 8" pipe line from the Canal to the Power House

This examination was made on the

12

day of

July, 1956

(Signed)

E. M. Humphrey

Examiner.

23157

August 2, 1956

RE: Permit No. 23157

Mr. Evan M. Kackley
Box 570
Pocatello, Idaho

Dear Mr. Kackley:

We now have on file the report of our field engineer on examination for beneficial use on your Permit No. 23157 which shows that you have used 100 inches or 2.00 second feet of water (waste) from Monsanto Chemical Co. wells with point of diversion in the N-W¹ Section 6, Township 9 South, Range 42 East, B.M., said water to be used for irrigation on the NW¹ and N-SW¹ Section 6.

A License can, therefore, be issued for 2 second feet of water upon receipt of the license fee amounting to \$12.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll

23157

CP/Enc # 12 44

August 3, 1956

RECEIVED
AUG 6 1956

Department of Reclamation

Department of Reclamation
Boise, Idaho

Attn: Edna P. Rutledge

Gentlemen:

RE: Permit No. 23157

I am enclosing herewith \$12.00 in payment of license
fee on the above permit for Evan M. Kackley.

Very truly yours,

O R Baum

O. R. BAUM

ORB:RYB:mr

encl.

LAW
OFFICES
O. R. BAUM
POCATELLO
IDAHO

RUBY Y. BROWN
ASSOCIATE

23157

August 29, 1956

RE: Permit No. 23157

Mr. O. R. Baum
Attorney at Law
Pocatello, Idaho

Dear Mr. Baum:

We enclose, herewith, License and Certificate of Water Right issued under Permit No. 23157 in the name of Evan M. Kackley confirming his right to the use of 2 second feet of the waters of waste water from Monsanto Chemical Company wells, a tributary of Soda Creek, with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, Township 9 South, Range 42 East, B.M., with priority of October 11, 1952, for irrigation use on the NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, same Township and Range.

We also enclose departmental receipt No. 28087 for the \$12.00 license fees.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

23157

October 20, 1965

RE: License No. 23157
Evan M. Kackley
Permit No. G-32537
Monsanto Company

Dr. Evan M. Kackley
2323 Ellis Avenue
Boise, Idaho

Dear Dr. Kackley:

Enclosed are the copies of the permits and the forms
you requested by phone.

The fee for the copies is \$4.00 which you may remit to
this office.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:er

Enc. copies of permits 2
forms 1 and 3

23157

20 Oct.

So many thanks again,
Mr. Reese, for taking
care of my request so
graciously & so well
Sincerely

Ernest M. Kautz

RECEIVED

OCT 21 1965

Department of Reclamation

2 3157

October 21, 1965

RE: License No. 23157
Permit No. G-32537

Dr. Evan M. Kaskley
2323 Ellis
Boise, Idaho

Dear Dr. Kaskley:

Enclosed are departmental receipts No. 32980 in the amount of \$2.00, and G-9922 in the amount of \$2.00 covering the fees for copies of the above numbered permits which were mailed to you previously.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. receipts 2

23157

To M.H. -

It looks like this section may enter
beds above the Soda City Power
Plant. They have a license for 5000
gallons flow and a storage right 24000
with P.D. at WSWNE 234, 85, 41E which
is about 1 mi. N. of Soda Springs.

There is no title filings indeed.

Direct flow filing for
supplemental water.

23-57

September 11, 1970

Re: 11-2106 11-2109
11-2107 11-2138 CANCELLED
11-2102 11-2141

Wallace M. Transtrum, Attorney at Law
35 West Center
Soda Springs, Idaho 83276

In reference to your letter of August 27, 1970, please find enclosed a copy of Water License No. 11-2106, 11-2102, 11-2107, and 11-2141. We are enclosing a copy of Water License No. 11-2109, with a copy of our field notes, and a copy of the beneficial use forms. As to your request of Monsanto's Permit No. 11-2138, please be advised that it has been cancelled, as to their request. A copy of that request is also enclosed. We have no weir readings or other type of discharge notes from that system, as beneficial use was not submitted, and an examination of the system was never made.

The fee for the enclosed copies will be \$3.50. If we may be of any further assistance in this matter, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: Copy of Water License No. 11-2109, Beneficial Use form, field examiners report, and notes
Copy of Water License No. 11-2102
Copy of Water License No. 11-2107
Copy of Water License No. 11-2141
Re: Application for Permit No. 11-2138 - copy of February 11, 1970 letter from Russell H. Crouse, Plant Manager, Monsanto Company

11-2106
23157

LAW OFFICES

WALLACE M. TRANSTRUM

ATTORNEY AT LAW

PHONE 547-3944

35 WEST CENTER

SODA SPRINGS, IDAHO 83276

August 27, 1970

RECEIVED

AUG 28 1970

Department of Water Administration

Mr. R. Keith Higginson
Director of Water Administration
State of Idaho - State House
Boise, Idaho 83700

Re: Our File 1293

Dear Mr. Higginson:

Would you be kind enough to furnish me with the license issued by your department in connection with the following permits:

11-2106
11-2109
G-22399 11-2102
G-23255 11-2107
G-32386 11-2138
G-32537 11-2141

In connection with 11-2109, showing a priority date April 23, 1953, for 2.84 cfs, I was advised that there was a filing April 4, 1953, for 7.1 cfs and I am wondering if this was the same permit or if the information was correct. In any event, if in fact a license was issued on this permit (11-2109) could you furnish me in addition to a copy of the license a copy of any extension of time granted, a copy of the field notes and proof presented at the time the proof of application was made, and a copy of the publication.

Could you also furnish me a copy of the weir readings on the Monsanto discharge during the period of time that the water would have been used by the applicant in applying the same to beneficial use. I assume that these readings would be turned in by the Soda Creek water master.

11-2106
23157

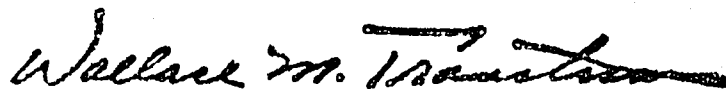
R. Keith Higginson
August 27, 1970
Page two

Could you also furnish me with a copy of the records of the Soda Creek water master as relates to water diverted to Evan Kackley under 11-2106, during the same period of time.

I will remit promptly for any expense incurred in obtaining these copies.

Thank you kindly for your continued assistance.

Very truly yours,

A handwritten signature in cursive script, reading "Wallace M. Transtrum". The signature is written in dark ink and is positioned above the printed name.

Wallace M. Transtrum

WMT/jp

11-2106

33157

September 11, 1970

Re: 11-2106 11-2109
11-2107 11-2138 CANCELLED
11-2102 11-2141

Wallace M. Transtrum, Attorney at Law
35 West Center
Soda Springs, Idaho 83276

In reference to your letter of August 27, 1970, please find enclosed a copy of Water License No. 11-2106, 11-2102, 11-2107, and 11-2141. We are enclosing a copy of Water License No. 11-2109, with a copy of our field notes, and a copy of the beneficial use forms. As to your request of Monsanto's Permit No. 11-2138, please be advised that it has been cancelled, as to their request. A copy of that request is also enclosed. We have no weir readings or other type of discharge notes from that system, as beneficial use was not submitted, and an examination of the system was never made.

The fee for the enclosed copies will be \$3.50. If we may be of any further assistance in this matter, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: Copy of Water License No. 11-2109, Beneficial Use form, field examiners report, and notes
Copy of Water License No. 11-2102
Copy of Water License No. 11-2107
Copy of Water License No. 11-2141
Re: Application for Permit No. 11-2138 - copy of February 11, 1970 letter from Russell H. Crouse, Plant Manager, Monsanto Company

23255
11-2107

LAW OFFICES

WALLACE M. TRANSTRUM

ATTORNEY AT LAW

PHONE 547-3944

35 WEST CENTER

SODA SPRINGS, IDAHO 83276

August 27, 1970

RECEIVED

AUG 28 1970

Department of Water Administration

Mr. R. Keith Higginson
Director of Water Administration
State of Idaho - State House
Boise, Idaho 83700

Re: Our File 1293

Dear Mr. Higginson: /

Would you be kind enough to furnish me with the license issued by your department in connection with the following permits:

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11-2109
G-22399 11-2102
G-23255 11-2107
G-32386 11-2138
G-32537 11-2141

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Could you also furnish me a copy of the weir readings on the Monsanto discharge during the period of time that the water would have been used by the applicant in applying the same to beneficial use. I assume that these readings would be turned in by the Soda Creek water master.

23255

11-2107

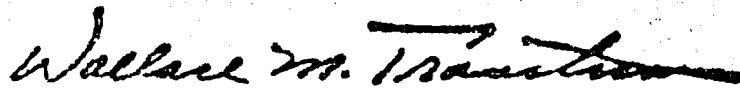
R. Keith Higginson
August 27, 1970
Page two

Could you also furnish me with a copy of the records of the Soda Creek water master as relates to water diverted to Evan Kackley under 11-2106, during the same period of time.

I will remit promptly for any expense incurred in obtaining these copies.

Thank you kindly for your continued assistance.

Very truly yours,

A handwritten signature in cursive script, reading "Wallace M. Transtrum". The signature is written in dark ink and is positioned above the printed name.

Wallace M. Transtrum

WMT/jp

23255

11-2107

11-2106

May 4, 1971
~~April 23, 1971~~

C

Dr. Evan M. Kackley
2323 Ellis Avenue
Boise, Idaho

Dear Dr. Kackley:

We have reviewed the water rights associated with the waste water from the Monsanto Chemical Company wells near Soda Springs. The waste water from these wells currently has four water rights, two of which have been licensed and two of which are approved applications. The first right, Permit No. 11-2106, in the name of Evan M. Kackley, with a priority of October 9, 1952; the second right, Permit No. 11-2109, in the name of Farmers Land and Irrigation Company, with a priority of April 23, 1953; the third right, Permit No. 11-2109, in the name of Evan M. Kackley and/or Lois Kackley, with a priority of April 15, 1968; and the fourth right, Permit No. 11-7011, in the name of Evan M. Kackley, with a priority of July 9, 1969.

The above-mentioned rights all have a point of diversion in the pipeline which conveys the water from the Monsanto Chemical Company. At the point of diversion, the water from Monsanto's three wells have been co-mingled and are unidentifiable as separate sources; therefore, the department must instruct the watermaster to distribute the water on the basis of prior rights. Based on the water available, the rights will be distributed as follows:

Permit No. 11-2106 - 2.0 c.f.s.
Permit No. 11-2109 - 2.84 c.f.s.
Permit No. 11-7005 - 4.0 c.f.s.
Permit No. 11-7011 - 4.0 c.f.s.

At any time that water is available for an early priority right and that right does not call on the water, the water will go to the next right in order of its date of priority.

11 2106

Dr. Evan M. Kackley
Page 2
April 23, 1971

There is a problem in distributing this water because this is waste water from the Monsanto Plant and, as a result, it is available only when Monsanto is pumping as a part of their operations. The quantity of water available fluctuates, depending on the needs of Monsanto. This fluctuating water provides two options to ensure that other rights are not infringed upon. (1) The watermaster could make a series of measurements and determine the low flow during the irrigation season and distribute that low flow only; (2) The watermaster could continually make measurements and adjust the rights accordingly; however, if these measurements are required, the water right which was the cause of the measurement would have to pay the additional costs of the measurements.

If you have any further questions on this matter, please contact me.

Sincerely,

A. KENNETH DUNN
Assistant Director

AKD:mjl

cc: Mr. T. E. Thompson, Watermaster
Water District 11-B
Soda Springs, Idaho 83276

Mr. Wallace Transtrum
Attorney-at-Law
35 W. Center
Soda Springs, Idaho 83276

11 2106

August 16, 1973

C

RE: Water License No. 11-2106

O

Dr. Evan M. Kackley
2323 Ellis Avenue
Boise, Idaho 83702

P

Dear Dr. Kackley:

Per your request to Russell Bosch of this Department, enclosed is a certified copy of Water License No. 11-2106. The fee for this copy is \$2.00 which you may remit at your earliest convenience.

Very truly yours,

Y

(Mrs.) ELEANOR J. WOODS
Records Supervisor

EJW:e

Enclosure

Rec'd # 11548

11 2106

State of Idaho

License and Certificate of Water Right

Water License No. 23157

Amount 2 second feet

Water District No.

Priority October 11, 1952

THIS IS TO CERTIFY that EVAN M. KACKLEY
of Pocatello, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 11, 1952; that Permit No. 23157
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2 second feet, was issued thereunder on April 20, 1953, showing that said works
were completed on the 13th day of April, 1953; and that on the 28th
day of September, 1954,

EVAN M. KACKLEY

of Pocatello, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of waste water from Monsanto
Chemical Co. wells, a tributary of Soda Creek, for the purpose of irrigation use
, under Use Permit No. 23157 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5770, on the 23rd day of August, 1956;
The right hereby confirmed dates from October 11, 1952;

The Point of Diversion is located
in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, Tp. 9 S., R. 42 E., B. M. Caribou County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S.	42 E.	6	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	27
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	30
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	25
			Total Number of Acres Actually Irrigated - 202		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
23rd day of August, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

11 2100

Warranty Deed

THIS INDENTURE, Made this 12th day of October
in the year of our Lord One Thousand Nine Hundred and Eighty Nine, between
LOIS KACKLEY, married woman, dealing with her sole and separate property,
of Boise, County of Ada, State of Idaho,
the party of the first part, and
MONSANTO COMPANY, a Delaware corporation,
of St. Louis, County of St. Louis, State of Missouri,
the party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of
TEN AND NO/100 - - - - - DOLLARS,
lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt
whereof is hereby acknowledged
she, do ES by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party
of the second part, and to its successors and assigns forever: All that certain lot
piece or parcel of land situate, lying and being in the County of Caribou State of Idaho, bounded
and more particularly described as follows, to-wit:

Those certain tracts or parcels of real estate described in Exhibit A attached
hereto and made a part hereof TOGETHER WITH all buildings and improvements thereon
and all rights, including water rights, easements, privileges and appurtenances
thereto belonging or appertaining, including but not limited to all gas, oil,
geothermal and mineral rights and those water rights and easements set forth
specifically in Appendix C attached hereto and incorporated by reference as if set
forth fully.

ALSO SUBJECT TO the matters set forth in the instrument described in Exhibit
B, attached hereto and by reference made a part hereof.

Monsanto Co.
Box 816
Soda Springs
83276
Attn: Gordon Aland

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and
the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident
unto the said party of the second part, and to its successors and assigns forever. And the said
party of the first part, and her heirs the said premises in the quiet and peaceable possession
of the said party of the second part its successors and assigns against the said party of the
first part, and her heirs and against all and every person or persons whomsoever, lawfully claiming
or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and
seal the day and year first above written.
Signed, Sealed and Delivered in the Presence of

_____ } Lois Kackley [Seal]
LOIS KACKLEY [Seal]

_____ } [Seal]
_____ } [Seal]

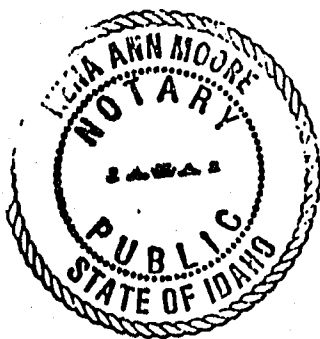
STATE OF IDAHO,
County of Caribou

ss.

On this 12th day of October in the year 19 89, before me
the undersigned a Notary Public in and for said County and State, personally appeared
LOIS KACKLEY, married woman, dealing with her sole and separate property,
known to me to

be the person whose name is subscribed to the within instrument, and acknowledged to me that s he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first
above written.



Kena Ann Moore
Notary Public.

Residence and P. O. Address..... Soda Springs, Idaho.

My commission expires: 11/23/93

137614
WARRANTY DEED

Lois Kackley, mrd woman, dealing
with her sole and separate property.

TO

Monsanto Company, a Delaware Corp.
800 N Lindbergh Blvd.
St. Louis, Missouri 63167

Dated _____, 19__

STATE OF IDAHO,

County of Caribou } ss.

I hereby certify that this instrument was filed for
record at the request of

Caribou Title

at 30 minutes past 12:00

o'clock P. M., this 12 day

of October, A. D. 19 89

the microfilm records of Caribou
in accordance with the provisions of
County, Idaho.

Notary Public

Myra E. Decker
Ex-Officio Recorder.

By _____ Deputy.

Fee, \$ 21.00
6.00

CEO, PRIMER & SONS, INC., POCAHONTO, IDAHO

EXHIBIT "A"

Caribou County, Idaho:

Township 9 South, Range 41 East of the Boise Meridian:

Section 1: Lots 1 and 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Township 9 South, Range 42 East of the Boise Meridian:

Section 6: Lots 3, 4, 5, and 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPT THEREFROM the following described two tracts:

1. Beginning at a point on the South boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6, 316 feet East of the Southwest corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, said point of beginning is on the extended West line of Second East Street and 100 feet North of the Northeast corner of Lot 16 of Lover's Delight Subdivision, according to the official plat thereof, as recorded in the office of the County Recorder of Caribou County, Idaho, under recorder's instrument No. 31035, and running
thence North 30 feet; thence West 135 feet;
thence South 30 feet; thence East 135 feet,
to the point of beginning.

2. Beginning at a point on a fence line on the West side of a hydroelectric power plant diversion canal for Soda Springs City, called the Feeney Ditch, said point being North 31°26'32" East 1643.95 feet from the Southwest corner of said Section 6, and running
thence Northerly along the West side of said ditch and the West side
of Soda Creek through the following 43 courses:

thence North 13°19'26" West 35.727 feet;
thence North 31°06'26" West 62.457 feet;
thence North 17°30'16" West 48.516 feet;
thence North 0°53'56" East 43.818 feet;
thence North 20°37'29" East 89.416 feet;
thence North 7°10'05" East 75.188 feet;
thence North 15°05'22" East 113.638 feet;
thence North 20°48'41" East 99.585 feet;
thence North 21°17'18" East 57.130 feet;
thence North 51°06'59" East 41.072 feet;
thence North 86°27'00" East 56.782 feet;
thence North 48°42'39" East 26.779 feet;
thence North 15°48'53" East 29.311 feet;
thence North 4°17'03" West 104.345 feet;
thence North 35°39'38" West 74.546 feet;
thence North 15°44'25" East 38.717 feet;
thence North 59°49'51" East 39.418 feet;
thence North 4°09'38" East 95.954 feet;
thence North 8°40'26" West 61.980 feet;
thence North 21°58'28" West 50.618 feet;
thence North 12°45'42" West 63.222 feet;
thence North 42°26'30" East 33.824 feet;
thence South 84°52'56" East 42.025 feet;
thence North 59°17'26" East 30.011 feet;
thence North 20°35'17" East 60.713 feet;
thence North 9°16'23" West 69.973 feet;
thence North 27°10'29" West 137.201 feet;
thence North 25°09'05" West 111.388 feet;
thence North 35°21'37" West 149.842 feet;
thence North 19°47'40" West 68.129 feet;
thence North 2°48'00" East 78.494 feet;
thence North 25°38'06" East 140.616 feet;
thence North 1°54'56" West 64.073 feet;
thence North 10°38'25" West 53.671 feet;
thence North 0°18'22" East 88.561 feet;
thence North 47°10'09" West 78.097 feet;
thence North 43°10'11" West 59.379 feet;
thence North 26°35'45" West 153.022 feet;
thence North 18°03'30" West 186.528 feet;
thence North 17°27'10" West 146.095 feet;
thence North 1°47'04" West 106.375 feet;
thence North 18°32'19" West 75.045 feet;

thence North 61°23'47" West 128.858 feet;
 thence North 23°41'40" East 78.316 feet across Soda Creek;
 thence Southerly along the East of Soda Creek and "Feeney Ditch" through
 the following 38 courses:
 thence South 66°06'24" East 94.330 feet;
 thence South 23°58'59" West 50.037 feet;
 thence South 66°06'42" East 74.050 feet;
 thence South 22°40'14" East 80.690 feet;
 thence South 1°02'21" East 114.400 feet;
 thence South 17°41'12" East 161.210 feet;
 thence South 16°27'50" East 150.470 feet;
 thence South 29°08'23" East 166.010 feet;
 thence South 56°13'49" East 42.870 feet;
 thence North 63°39'35" East 64.490 feet;
 thence South 26°20'25" East 60.000 feet;
 thence South 63°39'35" West 30.000 feet;
 thence South 1°10'58" East 278.680 feet;
 thence South 22°33'17" West 149.730 feet;
 thence South 1°59'22" East 46.470 feet;
 thence South 31°30'51" East 170.880 feet;
 thence South 28°39'06" East 148.800 feet;
 thence South 24°55'33" East 164.380 feet;
 thence South 2°40'36" West 78.000 feet;
 thence South 25°07'52" West 74.540 feet;
 thence South 80°00'11" East 50.000 feet;
 thence South 10°00'00" West 50.000 feet;
 thence North 80°00'00" West 77.610 feet;
 thence South 4°03'10" West 86.300 feet;
 thence South 13°30'53" East 90.390 feet;
 thence South 21°29'49" West 111.140 feet;
 thence South 11°27'46" East 59.850 feet;
 thence South 5°54'53" East 123.360 feet;
 thence South 26°15'49" West 33.600 feet;
 thence South 47°02'44" West 55.570 feet;
 thence South 73°30'37" West 51.810 feet;
 thence South 39°35'50" West 41.680 feet;
 thence South 21°11'11" West 126.080 feet;
 thence South 14°40'26" West 109.440 feet;
 thence South 7°45'02" West 96.180 feet;
 thence South 18°11'45" West 72.300 feet;
 thence South 23°34'28" East 168.590 feet;
 thence North 87°16'09" West 70.283 feet,
 to the point of beginning.

EXHIBIT "B"

1. Right of way granted by Caribou County, a municipal corporation of Caribou County, State of Idaho, to the City of Soda Springs, Idaho, a municipal corporation, by instrument dated June 18, 1936, recorded June 22, 1936, in Book 9 of Deeds, at page 54, under recorder's instrument No. 15619, records of Caribou County, Idaho.
2. Right of way granted by Evan M. Kackley and Lois M. Kackley, his wife, to the State of Idaho, by instrument dated January 31, 1950, recorded April 12, 1950, in Book 13 of Deeds, at page 41, under recorder's instrument No. 26859, records of Caribou County, Idaho.
3. Pipe Line Easement granted by Evan M. Kackley to Monsanto Chemical Company, by instrument dated July 30, 1952, recorded November 1, 1952, in Book 3 of Agreements, at page 442, under recorder's instrument No. 31509, records of Caribou County, Idaho.
4. Burdens imposed by that certain Agreement between Evan M. Kackley and the City of Soda Springs, Caribou County, Idaho, a municipal corporation; dated May 23, 1955, recorded July 15, 1974, under recorder's instrument No. 80302, in the microfilm records of Caribou County, Idaho.
5. The reservation of oil, gas and geothermal rights and nonparticipating royalty in the carbonated water reserved by Ellis N. Kackley in that certain Waiver and Deed of Mineral, Aggregate Rights and Geothermal Rights Resources to Monsanto Company which is dated October 12, 1989.
6. The reservation of oil, gas and geothermal rights and nonparticipating royalty in the carbonated water reserved by Alvin E. Kackley in that certain Waiver and Deed of Mineral, Aggregate Rights and Geothermal Rights Resources to Monsanto Company which is dated October 3, 1989.
7. Burdens imposed by that certain Agreement between the City of Soda Springs, Idaho, a municipal corporation and political subdivision of the State of Idaho, and Loise Kackley, dated October 6, 1987, recorded December 22, 1987, under recorder's instrument No. 133313, in the microfilm records of Caribou County, Idaho.
8. An Agreement with Utah Power & Light Company dated November 23, 1965, to establish a passive reflector station, which document is not recorded but a copy of which has been furnished the Buyer.
9. An Agreement with the City of Soda Springs, dated July 7, 1986, dealing with a right-of-way for a culinary water pipeline recorded July 7, 1986, under recorder's instrument No. 128621, in the microfilm records of Caribou County, Idaho.

EXHIBIT C

SCHEDULE OF WATER RIGHTS AND EASEMENTS TRANSFERRED
FROM KACKLEY TO MONSANTO

WATER RIGHTS:

1. Water Right No.: 11-00448

Quantity: .30 cfs

Priority Date: 6/1/1909

Source: Soda Creek

Comments: Original right decreed to Ellis Kackley, at entry number 142 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants which Decree is recorded in Book 1 of Deeds, at page 188, under Caribou County Recorder's Instrument No. 1698.

2. Water Right No.: 11-00449

Quantity: .20 cfs

Priority Date: 5/1/1910

Source: Soda Creek

Comments: Original right decreed to Wm. Chester at entry number 143 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants, which Decree is recorded in Book 1 of Deeds, at page 188, under Caribou County Recorder's Instrument No. 1698. Order granting Transfer No. 788 entered by the State of Idaho Department of Reclamation on March 28, 1952, and recorded as Instrument No. 34432.

3. Water Right No.: 11-0457

Quantity: .10 cfs ✓

Priority Date: 2/10/1881

Source: Soda Creek

Comments: Original right decreed to Landi C. Eastman at entry number 151 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants, which Decree is recorded in Book 1 of Deeds, at page 188, under Caribou County Recorder's Instrument No. 1698. Order granting Transfer No. 788 entered by the State of Idaho Department of Reclamation on March 28, 1952, and recorded as Instrument No. 34432.

4. Water Right No.: 11-0001, Transfer No. 1596

Quantity: .60 cfs

Priority Date: May 1, 1881

Source: Soda Creek

Comments: Original right decreed to T.H. Horsley at entry number 193 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants, which Decree is recorded in Book 1 of Deeds, at page 188, under Caribou County Recorder's Instrument No. 1698.

5. Water Right No.: 11-0471

Quantity: .10 cfs .02

Priority Date: February 10, 1881

Source: Soda Creek

Comments: Original right decreed to Ellis Kackley at entry number 166 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants, which Decree is recorded in Book 1 of Deeds, at page 188, under Caribou County Recorder's Instrument No. 1698.

6. Water Right No.: 11-02106

Quantity: 2.0 cfs

Priority Date: October 11, 1952

Source: Waste water

Comments: Waste water from Monsanto Chemical Company wells.

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	23157 [11-2106]	Evan M. Kackley	2.0
Full Assignment	11-2106	Monsanto Co.	2.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4887
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499
11-00471/11-00531B/11-02106

This is to certify that: MONSANTO CHEMICAL
DETERGENTS & PHOSPHATES DIV
PO BOX 816
SODA SPRINGS ID 83276

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-00448 : IRRIGATION Priority: 06/01/1909	04/15 to 10/15	0.30 CFS	49.0 AF
Right No. 11-00449 : IRRIGATION Priority: 05/01/1910	04/15 to 10/15	0.20 CFS	72.6 AF
Right No. 11-00457 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.10 CFS	17.5 AF
Right No. 11-00499 : IRRIGATION Priority: 05/01/1881	04/15 to 10/15	0.60 CFS	105.0 AF
Right No. 11-00471 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.02 CFS	4.6 AF
Right No. 11-00531B : IRRIGATION Priority: 05/01/1892	04/15 to 10/15	3.90 CFS	707.0 AF
SUBTOTAL:		* 5.12 CFS	** 707.0 AF

SOURCE
SODA CREEK

TRIBUTARY OF
BEAR RIVER

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 36, Township 08S, Range 41E
NESE , Sec. 36, Township 08S, Range 41E
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

TRANSFER NO. 4887
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499
11-00471/11-00531B/11-02106

CONDITIONS OF APPROVAL AND REMARKS

- ** 7. The total instantaneous diversion of water from all points of diversion and combined sources under Transfer No. 4887 shall not exceed 7.12 cfs, nor total combined annual volume of 707.0 af for the irrigation of a combined total of 202.0 acres.
- * 8. That portion of the total combined diversion rate authorized under Transfer No. 4887 from combined sources in excess of 4.04 cfs is limited to use for conveyance losses in delivery of these rights.
- 9. Prior to diversion of water under Right No. 11-02106, measuring devices of a type acceptable to the Department shall be permanently installed at the point of injection of wastewater into Soda Creek and at all points of redirection from Soda Creek.
- *** 10. Right No. 11-00448 is limited to irrigation of 14.0 acres in the place of use described above in a single irrigation season.
- *** 11. Right No. 11-00457 is limited to irrigation of 5.0 acres in the place of use described above in a single irrigation season.
- *** 12. Right No. 11-00471 is limited to irrigation of 1.3 acres in the place of use described above in a single irrigation season.
- *** 13. Right No. 11-00499 is limited to irrigation of 30.0 acres in the place of use described above in a single irrigation season.

Dated this 5th day of

September, 1996

J. Glen Saylor
Chief, Water Alloc. Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 12, 1991

RE: Water Right Nos. 11-00448/11-00449/11-00457
11-00001/11-00471/11-02106

Monsanto Co.
Box 816
Soda Springs, ID 83276

Dear Water Right Holder(s):

We are in receipt of the correspondence concerning ownership of the above referenced water rights.

In Idaho, licensed or decreed water rights are considered real property; therefore, proof of owning the land is proof of owning the water rights unless specifically excluded in the sale. We have placed your correspondence in the file for future reference and have changed our computer records to show you are the present owners of the property.

If you have any questions, please let us know.

Sincerely,

Sharla Curtis

SHARLA CURTIS
Technical Records Specialist

SC:blm

MEMORANDUM

TO: FILE 11-02106

FROM: PAM SKAGGS CS

RE: TRANSFER # 4887

DATE: 08-15-96

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 11-00448.

MEMORANDUM

TO: FILE NOS. 11-00448/449/457/471/499/531B & 02106

FROM: PAM SKAGGS/²STATE OFFICE

SUBJECT: TRANSFER NO. 4887

DATE: August 29, 1996

=====

Transfer No. 4887 was filed to add a point of diversion and change the place of use under the rights referenced above to create a permissible place of use for the rights with a small number of acres.

All of these rights are from Soda Creek except 11-02106 whose source of water is waste water from the Monsanto plant. This waste water is diverted into Soda Creek and a similar amount is being diverted upstream through this combined system from Soda Creek.

The additional point of diversion is being added to assist in irrigation practices. The total rate of diversion transferred is in excess of the standard 0.02 cfs/acre and is needed when water is diverted through the original points of diversion and ditches. The applicant explained the extra rights and water are needed because of conveyance losses over a basalt outcrop in the Lau ditch. A cement ditch was constructed over portions with greatest losses, but additional rate is required to successfully deliver the water.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include watermaster control, irrigation overlap, multiple points of diversion/measuring devices, combined limits, conveyance losses, permissible place of use and standard transfer conditions.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 5, 1996

MONSANTO CHEMICAL
DETERGENTS & PHOSPHATES DIV
PO BOX 816
SODA SPRINGS ID 83276

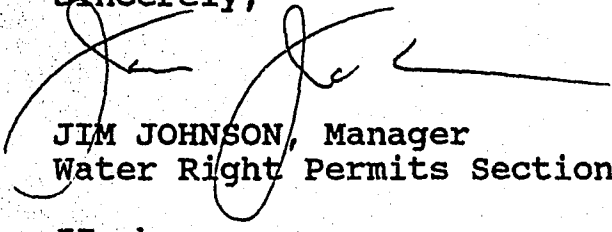
RE: Transfer of Water Right Nos. 11-00448/11-00449/
11-00457/11-00499/11-00471/11-00531B/11-02106

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights (Transfer No. 4887). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

If you have any questions, please feel free to contact me.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5619
WATER RIGHT NO(S) . 11-00448/11-00457/11-00471
11-00499/11-02106

This is to certify that: P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-00448 : IRRIGATION Priority: 06/01/1909	04/15 to 10/15	0.30 CFS	49.0 AF
Right No. 11-00457 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.10 CFS	17.5 AF
Right No. 11-00471 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.02 CFS	4.6 AF
Right No. 11-00499 : IRRIGATION Priority: 05/01/1881	04/15 to 10/15	0.60 CFS	105.0 AF
SUBTOTAL:		1.02 CFS	176.1 AF
Right No. 11-02106 : IRRIGATION Priority: 10/11/1952	04/15 to 10/15	1.02 CFS	178.5 AF
TOTAL:		* 1.02 CFS	178.5 AF *

PAGE 2

TRANSFER NO. 5619
WATER RIGHT NO(S). 11-00448/11-00457/11-00471
11-00499/11-02106

SOURCE

TRIBUTARY OF

Right No. 11-00448, 11-00457, 11-00471, 11-00499 :
SODA CREEK BEAR RIVER

Right No. 11-02106 :
WASTE WATER SODA CREEK

LOCATION OF POINT(S) OF DIVERSION:

Right No. 11-00448, 11-00457, 11-00471, 11-00499 :
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

Right No. 11-02106 :

Injection
Rediversion

Lot 4 (NWNW), Sec. 6, Township 09S, Range 42E
Lot 4 (NWNW), Sec. 6, Township 09S, Range 42E
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	42E	6	NESW 31	NWSW 20		51
Total number of acres irrigated:						51 **

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11B.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ** 6. Right No. 11-00448 is limited to irrigation of 14.0 acres in the place of use described above in a single irrigation season.
- ** 7. Right No. 11-00457 is limited to irrigation of 5.0 acres in the place of use described above in a single irrigation season.

TRANSFER NO. 5619
WATER RIGHT NO(S). 11-00448/11-00457/11-00471
11-00499/11-02106

CONDITIONS OF APPROVAL AND REMARKS

- ** 8. Right No. 11-00471 is limited to irrigation of 1.3 acres in the place of use described above in a single irrigation season.
- ** 9. Right No. 11-00499 is limited to irrigation of 30.0 acres in the place of use described above in a single irrigation season.
- ** 10. The right holder shall cease irrigation of 151.0 acres and shall cease the associated diversion of 0.98 cfs and 386.8 afa of waste water previously authorized under Right 11-02106, and shall consolidate use of water on the remaining 51.0 acres as described on this approval.
- * 11. Rights 11-00448, 11-00457, 11-00471, 11-00499 and 11-02106 when combined shall not exceed a total diversion rate of 1.02 cfs or a total annual maximum diversion volume of 178.5 af at the field headgate from the Soda Creek diversion for the irrigation of 51.0 acres.
- 12. Prior to the diversion and use of water under Right 11-02106, the right holder shall install and maintain acceptable measuring devices at the point of injection into Soda Creek and at the point of redirection from Soda Creek.
- 13. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.

Dated this 19th day of October, 2000

J. M. Saylor
Chief, Water Allocation Bureau



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 3, 2000

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
PO BOX 25486
DENVER CO 80225

RECEIVED

FEB 14 2000

Department of Water Resources

11-02106

RE: Application for Transfer No. 5619, 5620 and 5621

Dear Protestant:

This letter acknowledges receipt of the protest filed by you against the above referenced applications for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

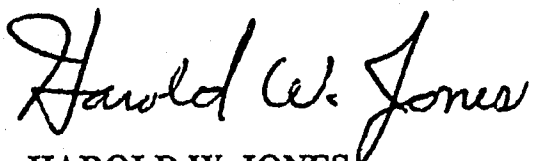
In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

PR PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

Page 2

If we may be of further assistance, please contact us.

Respectfully submitted,

A handwritten signature in cursive script that reads "Harold W. Jones".

HAROLD W. JONES
Water Rights Supervisor

HWJ:sc

cc: IDWR - State Office



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 3, 2000

P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

RECEIVED

FEB 16 2000

Department of Water Resources

RE: Application for Transfer No.: 5619, 5620 and 5621

Dear Applicant:

Enclosed please find copies of the protests filed against the above referenced application for transfer of a water right. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

- 1) Are other water rights injured by the transfer?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Is the change consistent with the conservation of water resources within the state of Idaho?
- 4) Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:sc

cc: IDWR State Office



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 3, 2000

BILL HARRIS
OREGON TRAIL COUNTRY CLUB
PO BOX 567
SODA SPRINGS ID 83276

RECEIVED

FEB 14

Department of Water Resources

RE: Application for Transfer No.: 5619, 5620 and 5621

Dear Applicant:

Enclosed please find copies of the protests filed against the above referenced application for transfer of a water right. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

- 1) Are other water rights injured by the transfer?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Is the change consistent with the conservation of water resources within the state of Idaho?
- 4) Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor

HWJ:sc

cc: IDWR State Office



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region



IN REPLY REFER TO:

BA WTR
WR UT
Mail Stop 60189

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228

RECEIVED

FEB 01 2000

Department of Water Resources
Eastern Region

JAN 31 2000

RECEIVED

FEB 14 2000

Department of Water Resources

Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive
Idaho Falls, Idaho 83402

Dear Sir or Madam:

The Fish and Wildlife Service protests the Proposed Change of Water Right Nos. T5619 (change the point of diversion and place of use of surface water sources), T5620, and T5621 (change the point of diversion, place of use, and source of surface water source), filed by P4 Production LLC.

It is the position of the Service that approval of these applications would increase the consumptive use of water in the Bear River Basin and has the potential to adversely affect the water rights held by the United States of America for the Bear River Migratory Bird Refuge.

Enclosed is a Money Order in the amount of \$75 to cover the required protest fee.

If you have questions or require further information, please contact me at
(303) 236-5321 extension 223.

Sincerely,

Cheryl C. Willis
Chief, Division of Water Resources

Enclosure

cc:P4 Production LLC
Box 816
Soda Springs, ID 83274

2025582

MEMORANDUM

TO: FILE 11-02106
FROM: VAULT
RE: TRANSFER # 5619
DATE: Jan. 10, 1900

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 11-00448

RECEIVED

JUL - 2 2003

Department of Water Resources

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE &
BAILEY
CHARTERED**

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@rlaw.net

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODSELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL
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U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

June 30, 2003

L. Glen Saxton, Chief
Water Allocation Bureau
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, Idaho 83706

Re: *P4 Production, L.L.C./Monsanto Company - Water Rights*
Transfer Numbers 4887, 5619, 5620, 5621
Right Nos. 11-00448, 11-00449, 11-00457, 11-00471, 11-00531B, 11-02106

Dear Glen:

I am writing on behalf of P4 Production, L.L.C., and Monsanto Company to the Department to request a review of the above-referenced transfers and water rights for the purpose of reconciling and understanding apparent discrepancies.

I am enclosing copies of each of these transfers. With the exception of Right No. 11-2106, which is waste water from the plant, all other water rights are decreed rights in Soda Creek, tributary to the Bear River, and are commonly known as the "Kackley Rights", since the property was owned by the Kackley family and several of the original rights were originally decreed to the Kackley family.

Transfer No. 4887 reflected the six Soda Creek rights for a total of 7.12 cfs/707 AF, plus Right No. 11-02106 for 2.00 cfs/707 AF, for the irrigation of a combined total of 202.0 acres. Condition 8 appears to apply the "duty of water", indicating the right is 4.04 cfs for irrigation (0.02 cfs/acre) with the balance (3.08 cfs) "limited to use for conveyance losses in delivery of these rights".

L. Glen Saxton
June 30, 2003
Page 2

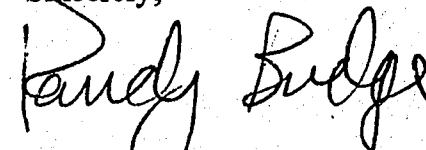
Subsequently the irrigated acres were reduced from 202.0 to 51.0 acres, as reflected by Transfer No. 5619.

Monsanto leased to the Soda Springs-Oregon Trail Golf Course 1.0 cfs as reflected by Transfer No. 5620. At the same time, Monsanto intended to lease all of the balance to Last Chance Canal Company, with Transfer No. 5621 reflecting this to be 2.02 cfs.

I am enclosing a chart which summarizes these transfers. You will note Transfer Nos. 5619, 5620 and 5621, which were all approved October 10, 2000, do not appear to reconcile with the prior Transfer 4887 approved September 5, 1996. While it appears that the discrepancy may relate to the conveyance losses in delivery of these rights, it is unclear. The intent of the prior transfers was to ensure that all of the Monsanto water rights not retained on their irrigated property be leased to the Golf Course to meet their needs of 1.0 cfs, with all of the balance leased to Last Chance Canal Company. I expect the Department's files will contain more detailed information regarding these transfers, which I don't have, and would aid in an explanation.

Thank you for your cooperation and assistance. If you have any questions or need any additional information in the meantime, please don't hesitate to contact me.

Sincerely,


RANDALL C. BUDGE

RCB:rr
Enclosures

cc: David Farnsworth, Monsanto
James R. Smith, Monsanto

**SUMMARY OF P4 PRODUCTION, L.L.C. WATER RIGHTS
IN SODA CREEK FOLLOWING APPROVAL OF
TRANSFER NOS. 5619, 5620, 5621**

A. RETAINED FOR IRRIGATION OF KACKLEY PROPERTY PURSUANT TO TRANSFER NO. 5619:

<u>Right No.</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>	<u>Priority Date</u>	<u>Use</u>	<u>Period of Use</u>
11-00448	0.30 cfs	49.0 AF	06/01/1909	Irrigation	4/15-10/15
11-00457	0.10 cfs	17.5 AF	02/10/1881	Irrigation	4/15-10/15
11-00471	0.02 cfs	4.6 AF	02/10/1881	Irrigation	4/15-10/15
11-00499	<u>0.60 cfs</u>	<u>105.0 AF</u>	05/01/1881	Irrigation	4/15-10/15
Subtotal	1.02 cfs	176.10 AF			
11-2106 (Wastewater)	<u>1.02 cfs</u>	<u>178.5 AF</u>			
TOTAL	1.02 cfs*	178.5 AF*			

*See conditions/restrictions per Transfer No. 5619.)

B. LEASED TO GOLF COURSE PER TRANSFER NO. 5620:

<u>Right No.</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>	<u>Priority Date</u>	<u>Use</u>	<u>Period of Use</u>
11-00531D	1.00 cfs	175.0 AF	05/01/1892	Irrigation	4/15-10/15

C. LEASED TO LAST CHANCE CANAL COMPANY PER TRANSFER NO. 5621:

<u>Right No.</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>	<u>Priority Date</u>	<u>Use</u>	<u>Period of Use</u>
11-00449	0.20 cfs	72.6 AF	05/01/1910	Irrigation	4/15-10/15
11-00531C	<u>2.02 cfs</u>	<u>353.5 AF</u>	05/01/1892	Irrigation	4/15-10/15
TOTAL	2.22 cfs	426.0 AF			
TOTALS OF A, B, C:	4.22 cfs	779.50 AF			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 09 1996

TRANSFER OF WATER RIGHT

Department of Water Resources
Eastern Region

TRANSFER NO. 4887
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499
11-00471/11-00531B/11-02106

This is to certify that: MONSANTO CHEMICAL
DETERGENTS & PHOSPHATES DIV
PO BOX 816
SODA SPRINGS ID 83276

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-00448 : IRRIGATION Priority: 06/01/1909	04/15 to 10/15	0.30 CFS	49.0 AF
Right No. 11-00449 : IRRIGATION Priority: 05/01/1910	04/15 to 10/15	0.20 CFS	72.6 AF
Right No. 11-00457 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.10 CFS	17.5 AF
Right No. 11-00499 : IRRIGATION Priority: 05/01/1881	04/15 to 10/15	0.60 CFS	105.0 AF
Right No. 11-00471 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.02 CFS	4.6 AF
Right No. 11-00531B : IRRIGATION Priority: 05/01/1892	04/15 to 10/15	3.90 CFS	707.0 AF
SUBTOTAL:		* 5.12 CFS	** 707.0 AF

SOURCE
SODA CREEK

TRIBUTARY OF
BEAR RIVER

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 36, Township 08S, Range 41E
NESE , Sec. 36, Township 08S, Range 41E
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

PAGE 2

TRANSFER NO. 4887
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499
11-00471/11-00531B/11-02106

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-02106 : IRRIGATION Priority: 10/11/1952	04/15 to 10/15	2.00 CFS	707.0 AF
SUBTOTAL:		* 2.00 CFS	** 707.0 AF

SOURCE
WASTE WATER

TRIBUTARY OF
SODA CREEK

LOCATION OF POINT(S) OF DIVERSION:

Injection	Lot 4(NWNW), Sec. 6, Township 09S, Range 42E
Exchange	Lot 4(NWNW), Sec. 6, Township 09S, Range 42E
Exchange	NWNE , Sec. 36, Township 08S, Range 41E
Rediversion	NESE , Sec. 36, Township 08S, Range 41E
	NESW , Sec. 6, Township 09S, Range 42E

CARIBOU County

TOTAL: * 7.12 CFS ** 707.0 AF

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	42E	6	Lot 3(NENW) 37	Lot 4(NWNW) 32	Lot 5(SWNW) 30	
			SENE 39	NESW 39	Lot 6(NWSW) 25	202
Total number of acres irrigated:						*** 202

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11B.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

PAGE 3

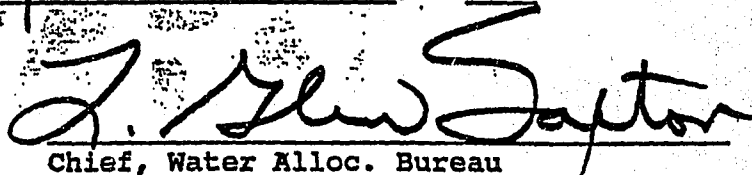
TRANSFER NO. 4887
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499
11-00471/11-00531B/11-02106

CONDITIONS OF APPROVAL AND REMARKS

- ** 7. The total instantaneous diversion of water from all points of diversion and combined sources under Transfer No. 4887 shall not exceed 7.12 cfs, nor total combined annual volume of 707.0 af for the irrigation of a combined total of 202.0 acres.
- * 8. That portion of the total combined diversion rate authorized under Transfer No. 4887 from combined sources in excess of 4.04 cfs is limited to use for conveyance losses in delivery of these rights.
- 9. Prior to diversion of water under Right No. 11-02106, measuring devices of a type acceptable to the Department shall be permanently installed at the point of injection of wastewater into Soda Creek and at all points of rediversion from Soda Creek.
- *** 10. Right No. 11-00448 is limited to irrigation of 14.0 acres in the place of use described above in a single irrigation season.
- *** 11. Right No. 11-00457 is limited to irrigation of 5.0 acres in the place of use described above in a single irrigation season.
- *** 12. Right No. 11-00471 is limited to irrigation of 1.3 acres in the place of use described above in a single irrigation season.
- *** 13. Right No. 11-00499 is limited to irrigation of 30.0 acres in the place of use described above in a single irrigation season.

Dated this 5th day of

September, 1996


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 11-00448/449/457/471/499/531B & 02106

FROM: PAM SKAGGS/²STATE OFFICE

SUBJECT: TRANSFER NO. 4887

DATE: August 29, 1996

=====

Transfer No. 4887 was filed to add a point of diversion and change the place of use under the rights referenced above to create a permissible place of use for the rights with a small number of acres.

All of these rights are from Soda Creek except 11-02106 whose source of water is waste water from the Monsanto plant. This waste water is diverted into Soda Creek and a similar amount is being diverted upstream through this combined system from Soda Creek.

The additional point of diversion is being added to assist in irrigation practices. The total rate of diversion transferred is in excess of the standard 0.02 cfs/acre and is needed when water is diverted through the original points of diversion and ditches. The applicant explained the extra rights and water are needed because of conveyance losses over a basalt outcrop in the Lau ditch. A cement ditch was constructed over portions with greatest losses, but additional rate is required to successfully deliver the water.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include watermaster control, irrigation overlap, multiple points of diversion/measuring devices, combined limits, conveyance losses, permissible place of use and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5619
WATER RIGHT NO(S). 11-00448/11-00457/11-00471
11-00499/11-02106

This is to certify that: P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-00448 : IRRIGATION Priority: 06/01/1909	04/15 to 10/15	0.30 CFS	49.0 AF
Right No. 11-00457 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.10 CFS	17.5 AF
Right No. 11-00471 : IRRIGATION Priority: 02/10/1881	04/15 to 10/15	0.02 CFS	4.6 AF
Right No. 11-00499 : IRRIGATION Priority: 05/01/1881	04/15 to 10/15	0.60 CFS	105.0 AF
SUBTOTAL:		1.02 CFS	176.1 AF
Right No. 11-02106 : IRRIGATION Priority: 10/11/1952	04/15 to 10/15	1.02 CFS	178.5 AF
TOTAL:		* 1.02 CFS	178.5 AF *

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PAGE 2

TRANSFER NO. 5619
WATER RIGHT NO(S). 11-00448/11-00457/11-00471
11-00499/11-02106

SOURCE

TRIBUTARY OF

Right No. 11-00448, 11-00457, 11-00471, 11-00499 :
SODA CREEK BEAR RIVER

Right No. 11-02106 :
WASTE WATER SODA CREEK

LOCATION OF POINT(S) OF DIVERSION:

Right No. 11-00448, 11-00457, 11-00471, 11-00499 :
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

Right No. 11-02106 :
Injection Lot 4(NWNW), Sec. 6, Township 09S, Range 42E
Rediversion Lot 4(NWNW), Sec. 6, Township 09S, Range 42E
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	42E	6	NESW 31	NWSW 20		51
Total number of acres irrigated:						51 **

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11B.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ** 6. Right No. 11-00448 is limited to irrigation of 14.0 acres in the place of use described above in a single irrigation season.
- ** 7. Right No. 11-00457 is limited to irrigation of 5.0 acres in the place of use described above in a single irrigation season.

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TRANSFER NO. 5619
WATER RIGHT NO(S). 11-00448/11-00457/11-00471
11-00499/11-02106

CONDITIONS OF APPROVAL AND REMARKS

- ** 8. Right No. 11-00471 is limited to irrigation of 1.3 acres in the place of use described above in a single irrigation season.
- ** 9. Right No. 11-00499 is limited to irrigation of 30.0 acres in the place of use described above in a single irrigation season.
- ** 10. The right holder shall cease irrigation of 151.0 acres and shall cease the associated diversion of 0.98 cfs and 386.8 afa of waste water previously authorized under Right 11-02106, and shall consolidate use of water on the remaining 51.0 acres as described on this approval.
- * 11. Rights 11-00448, 11-00457, 11-00471, 11-00499 and 11-02106 when combined shall not exceed a total diversion rate of 1.02 cfs or a total annual maximum diversion volume of 178.5 af at the field headgate from the Soda Creek diversion for the irrigation of 51.0 acres.
- 12. Prior to the diversion and use of water under Right 11-02106, the right holder shall install and maintain acceptable measuring devices at the point of injection into Soda Creek and at the point of redirection from Soda Creek.
- 13. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.

Dated this 19th day of October, 2000

J. M. Saylor
Chief, Water Allocation Bureau

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5620
WATER RIGHT NO. 11-00531D

This is to certify that: P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.00 CFS	175.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
* BEAR RIVER	GREAT SALT LAKE

Priority: 05/01/1892 *

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 11, Township 09S, Range 41E
CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	41E	10	SENE 6			6
		11	NWNW 18	SWNW 18	SENE 8	44
Total number of acres irrigated:						50

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

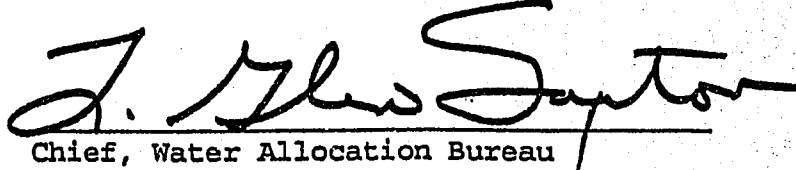
MICROFILMED

TRANSFER NO. 5620
WATER RIGHT NO. 11-00531D

CONDITIONS OF APPROVAL AND REMARKS

- * 6. Diversion of water from the Bear River is limited to those times water is available for diversion under this right and priority from the original source, Soda Creek, and the amount of water that is measured flowing into the Bear River from Soda Creek.
- 7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department of measuring the flow in Soda Creek below the last diversion on the creek and above the confluence with Bear River.
- 8. The right holder shall cease irrigation of 51.0 acres and shall cease the associated diversion of 0.88 cfs and 178.5 af of water previously authorized under Right 11-00531B, and consolidate use of water on the remaining 50.0 acres under Right 11-00531D and 101.0 acres under Right 11-00531C.
- 9. The period of use for the irrigation described in this approval may be extended to a an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Dated this 19th day of October, 2000.


Chief, Water Allocation Bureau

MICROFILMED

OCT 23 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5621
WATER RIGHT NO(S). 11-00449/11-00531C

This is to certify that: P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 11-00449 :			
IRRIGATION	04/15 to 10/15	0.20 CFS	72.6 AF
Priority: 05/01/1910 *			
Right No. 11-00531C :			
IRRIGATION	04/15 to 10/15	2.02 CFS	353.5 AF
Priority: 05/01/1892 *			
TOTAL:		** 2.02 CFS	353.5 AF **

SOURCE
* BEAR RIVER

TRIBUTARY OF
GREAT SALT LAKE

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 30, Township 09S, Range 41E
NENE , Sec. 1, Township 10S, Range 40E
CARIBOU County

PLACE OF USE: IRRIGATION

TWN RGE SEC

08S 39E 21, 22, 26, 27, 28, 34, 35
09S 39E 2, 3, 4, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 36
40E 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
10S 39E 1, 12, 13
40E 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35, 36
41E 5, 6, 7, 8, 17, 18, 19, 20, 28, 29, 30, 31, 32, 33
11S 40E 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 24
41E 4, 5, 6, 7, 8, 9, 18

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

MICROFILMED

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TRANSFER NO. 5621
WATER RIGHT NO(S). 11-00449/11-00531C

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ** 6. Rights 11-00449 and 11-00531C when combined shall not exceed a total combined diversion rate of 2.02 cfs, a total annual maximum diversion volume of 353.5 af at the field headgate from all authorized points of diversion, and the irrigation of 101.0 acres within the Last Chance Canal Co. Ltd. service area as described above.
- * 7. Diversion of water from the Bear River is limited to those times water is available for diversion under these rights and priorities from the original source, Soda Creek, and the amount of water that is measured flowing into the Bear River from Soda Creek.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department of measuring the flow in Soda Creek below the last diversion on the creek and above the confluence with Bear River.
9. The right holder shall cease irrigation of 101.0 acres previously authorized under Right 11-00499, and consolidate use of water on the remaining 101.0 acres.
10. The right holder shall cease irrigation of 51.0 acres and shall cease the associated diversion of 0.88 cfs and 178.5 af of water previously authorized under Right 11-00531B, and consolidate use of water on the remaining 50.0 acres under Right 11-00531D and 101.0 acres under Right 11-00531C.
11. The period of use for the irrigation described in this approval may be extended to a an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Dated this 19th day of October, 2000.

Z. Shaw Saylor
Chief, Water Allocation Bureau

MICROFILMED

2000 10 19



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 31, 2003

RANDALL C BUDGE
RACINE, OLSON, NYE, BUDGE & BAILEY CHARTERED
PO BOX 1391
POCATELLO ID 83204-1391

Re: Transfer Nos. 4887, 5619, 5620, and 5621

Water Right Nos. 11-448, 11-449, 11-457, 11-471, 11-499, 11-531B (C & D), 11-2106

Dear Mr. Budge:

This letter is a response to your letter of June 30, 2003 regarding the transfers referenced above. I have attached a table summarizing the transfers that I think will help clarify the results of the transfers.

In summary, transfer 4887 authorized irrigation of 202 acres with a quantity of 7.12 cfs and 707 af. The approval included a condition limiting 3.08 cfs for use as conveyance loss. Transfers 5619, 5620 and 5621 superseded transfer 4887 and, in combination, authorize irrigation of 202 acres with a quantity of 4.04 cfs and 707 af. The diversion rate was reduced because the conveyance loss was no longer necessary.

Please give me a call if you have additional questions related to this matter.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure